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# NOTICE OF MEETING

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## PLANNING COMMITTEE

WEDNESDAY, 12 OCTOBER 2022 AT 10.30 AM

## COUNCIL CHAMBER - THE GUILDHALL, PORTSMOUTH

Telephone enquiries to Democratic Services Tel 023 9268 8014

Email: [Democratic@portsmouthcc.gov.uk](mailto:Democratic@portsmouthcc.gov.uk)

If any member of the public wishing to attend the meeting has access requirements, please notify the contact named above.

### **Public health guidance for staff and the public due to winter coughs, colds and viruses, including Covid-19**

- Following the government announcement 'Living with Covid-19' made on 21 February and the end of universal free testing from 1 April, attendees are no longer required to undertake any asymptomatic/lateral flow test within 48 hours of the meeting; however, we still encourage attendees to follow the public health precautions we have followed over the last two years to protect themselves and others including vaccination and taking a lateral flow test should they wish.
- We strongly recommend that attendees should be doubled vaccinated and have received any boosters they are eligible for.
- If unwell we encourage you not to attend the meeting but to stay at home. Updated government guidance from 1 April advises people with a respiratory infection, a high temperature and who feel unwell, to stay at home and avoid contact with other people, until they feel well enough to resume normal activities and they no longer have a high temperature. From 1 April, anyone with a positive Covid-a9 test result is still being advised to follow this guidance for five days, which is the period when you are most infectious.
- We encourage all attendees to wear a face covering while moving around crowded areas of the Guildhall.
- Although not a legal requirement, attendees are strongly encouraged to keep a social distance and take opportunities to prevent the spread of infection by following the 'hands, face, space' and 'catch it, kill it, bin it' advice that protects us from coughs, colds and winter viruses, including Covid-19.
- Hand sanitiser is provided at the entrance and throughout the Guildhall. All attendees are encouraged to make use of hand sanitiser on entry to the Guildhall.
- Those not participating in the meeting and wish to view proceedings are encouraged to do so remotely via the livestream link.

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### **Planning Committee Members:**

Councillors Judith Smyth (Chair), Chris Attwell (Vice-Chair), George Fielding, Hugh Mason, Robert New, Darren Sanders, Russell Simpson, John Smith, Linda Symes and Gerald Vernon-Jackson CBE

## Standing Deputies

Councillors Dave Ashmore, Cal Corkery, Lewis Gosling, Mark Jeffery, Abdul Kadir, George Madgwick, Scott Payter-Harris, Steve Pitt, Asghar Shah, Lynne Stagg and Daniel Wemyss

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(NB This agenda should be retained for future reference with the minutes of this meeting.)

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Representations by members of the public may be made on any item where a decision is going to be taken. The request needs to be made in writing to the relevant officer by 12 noon the day before the meeting and must include the purpose of the representation (e.g. for or against the recommendations). Email requests to [planning.reps@portsmouthcc.gov.uk](mailto:planning.reps@portsmouthcc.gov.uk) or telephone a member of the Technical Validation Team on 023 9283 4826.

## A G E N D A

- 1 **Apologies**
- 2 **Declaration of Members' Interests**
- 3 **Minutes of previous meeting held on 28 September 2022** (Pages 5 - 16)

RECOMMENDED that the minutes of the meeting held on 28 September 2022 be approved as a correct record.

- 4 **20/01493/FUL - Ex St Michael's Lodge, bounded by Silver Street, Stone Street & Gold Street, Southsea PO5 3BN** (Pages 17 - 36)

Construction of 18 dwellings (12 houses and 6 flats) with associated landscaping and parking with vehicular access from Diamond Street.

- 5 **22/00255/FUL - Land at Flathouse Quay, Circular Road, Portsmouth** (Pages 37 - 48)

Installation of concrete batching plant.

- 6 **22/00964/FUL - McDonalds Restaurant, Portsmouth Road, PO6 2SW** (Pages 49 - 56)

External alterations to include extension of dining area and installation of 'Fast Forward' booth; extension to roof line; replacement glazing, cladding and new access door; reconfiguration of drive-thru land, patio, kerb lines and parking bays; relocation and extension of cycle racks and associated works.

**7      21/01540/HOU - 17 Craneswater Park, Southsea PO4 0NX (Pages 57 - 64)**

Construction of 2 storey front extension, part single/part 2 storey rear extension and roof alterations including raising the ridge height.

**8      22/00487/FUL - Lakeside Business Park, Western Road, Portsmouth (Pages 65 - 72)**

Installation of solar power canopy structures over existing car park bays and roof mounted solar panels to buildings 1000, 2000, 3000, 4000 and 5000. Re-configuration of main north car park to provide additional parking bays.

**9      22/01075/FUL - 262 Chichester Road, Portsmouth PO2 0AU (Pages 73 - 82)**

Change of use from dwelling house (Class C3) to dwelling house (Class C3) or house in multiple occupation (Class C4).

**10     22/01109/FUL - 260 Laburnum Grove, Portsmouth PO2 0EX (Pages 83 - 94)**

Change of use from dwelling house (Class C3) to house in multiple occupation for seven persons (Sui Generis).

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# Agenda Item 3

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 28 September 2022 at 10.30 am in the Council Chamber, the Guildhall, Portsmouth

These minutes should be read in conjunction with the agenda and associated papers for the meeting.

## Present

Councillors	Judith Smyth (Chair) Chris Attwell George Fielding Hugh Mason Robert New Darren Sanders Russell Simpson John Smith Linda Symes
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## Welcome

The Chair welcomed members of the public and members to the meeting. The Committee agreed with the Chair's suggestion of considering agenda item 11 (18 Pains Road, Southsea, PO5 1HE) first as Councillor Ian Holder was making a deputation. For ease of reference the minutes will be kept in the original order.

The Chair proposed that each application should be considered in two stages: firstly, if the application is considered to be development under the Town and Country Planning Act 1990 and therefore requires planning permission and secondly, if this is the case, then whether planning permission should be granted.

## Guildhall, Fire Procedure

The Chair explained to all present the procedures for the meeting and the fire evacuation procedures including where to assemble and how to evacuate the building.

## 136. Apologies (AI 1)

Apologies for absence were received from Councillor Gerald Vernon-Jackson. Councillors Hugh Mason and Robert New gave apologies as they had to leave early for prior commitments.

## 137. Declaration of Members' Interests (AI 2)

Councillor Sanders said that he had had email correspondence about building control as a Ward Councillor in relation to properties in Queens Road and agenda item 12 concerned 327 Queens Road. The Legal Advisor advised that Councillor Sanders did not have an interest as it related to a different function of the local authority and he would not have to leave the meeting while the item was considered.

**138. Minutes of previous meeting held on 31 August 2022 (AI 3)**

**RESOLVED that the minutes of the Planning Committee held on 31 August 2022 be agreed as a correct record.**

The Supplementary Matters report and the deputations (which are not minuted) can be viewed on the Council's website at:

[Agenda for Planning Committee on Wednesday, 28th September, 2022, 10.30 am Portsmouth City Council](#)

**139. 19/01849/FUL - 32 Norman Road, Southsea, PO4 0LP**

Change of use from house in multiple occupation (Class C4) to 7 person, seven bedroom, house in multiple occupation (sui generis) (resubmission of 18/01429/FUL)

The Assistant Director of Planning & Economic Growth presented the report and drew attention to the additional information in the Supplementary Matters report.

Carianne Wells (agent) gave a deputation.

Members' questions

In response to concerns that the combined living space is under the required standard, officers explained the committee should not judge on percentages but on the merits of each individual application to see if it creates a reasonable living environment, and this was a matter previously reviewed by an Inspector on this site which is a material consideration and to which members are obliged to give weight when they make decisions. The committee needs to give reasons for their decisions or there is a risk of costs if a decision is considered unreasonable. Planning is not a precedent based system; it requires informed judgement. Members reach their own individual judgement while applying policy. There are similar homes nearby but they are not identical. Numbers are used to show why one scheme is acceptable and one is not but they are not the be-all-and-end-all. Members need to distinguish why one application is acceptable and one is not. Other applications in today's agenda have rooms that are under the space standards and the committee will have to apply their judgement. Residents are entitled to have decisions made consistently, which is not the same as precedent.

Members considered in this case and on its own merits the proposal to be development requiring planning permission as the proposed increase in occupancy would result in a significant difference in the character of activities compared to the existing lawful use as an HMO due to the intensity of the use of the accommodation, the impact on parking, waste, amenity impact upon existing and neighbouring residents and the impact on the Solent Special Protection Area. As such the change of use is material and planning permission is required for the increase in occupancy described in the application.

### Members' comments

The under-sized communal living space fails to provide an adequate standard of living accommodation. The grounds for refusal in 2018 still apply. If the rules concerning space standards had not changed the application would now be acceptable. However, it is not a question of numbers but the space people live in.

**RESOLVED that the works would be considered development requiring planning permission and RESOLVED to refuse the application on the grounds that the proposed use of the building as a seven person, seven bedroom sui generis House in Multiple Occupation would, as a result of its undersized communal living space fails to provide the necessary space for an adequate standard of living accommodation for future occupiers and would represent an over-intensive use of the site. The proposal is therefore contrary to Core Planning Principles of the National Planning Policy Framework and Policy PCS23 of the Portsmouth Plan, including the supporting Houses in Multiple Occupation Supplementary Planning Document, noting the change in guidance within the most recent SPD.**

#### **140. 20/00921/FUL - 237 Fawcett Road, Southsea, PO4 0DJ**

Change of use from house in multiple occupation (Class C4) to house in multiple occupation (sui generis)

The Assistant Director of Planning & Economic Growth presented the report and drew attention to the additional information in the Supplementary Matters report, particularly that all rooms meet the space standards.

Carianne Wells (agent) made a deputation.

Members considered in this case and on its own merits the proposal to be development requiring planning permission as the proposed increase in occupancy would result in a significant difference in the character of activities compared to the existing lawful use as an HMO due to the intensity of the use of the accommodation, the impact on parking, waste, amenity impact upon existing and neighbouring residents and the impact on the Solent Special Protection Area. As such the change of use is material and planning permission is required for the increase in occupancy described in the application.

### Members' questions

In response to questions, officers clarified that:

- Although the property is licensed for five persons and the application requests occupancy for up to seven, the application cannot be amended by condition to limit occupancy to five as that would be unlawful and nullify the development applied for and what the committee have said requires planning permission.
- The wording of the 'Impact on Special Protection Areas' paragraph in the officer report can be changed so that "likely significant effect" is in capitals, but if an application is not a plan or proposal for the purposes of the

regulations then it does not have a Likely Significant Effect under the same regulations.

#### Members' comments

- If members were minded to approve the application, a condition could be imposed on the Special Protection Area as well as on cycle storage in addition to standard conditions. Officers apologised that reports on some applications did not contain the standard conditions.
- A condition on occupancy needs planning justification so officers drew attention to room sizes as two of the bedrooms could have double occupancy. It is totally contrary to officer advice and there is a risk of costs being imposed.
- Members would be happy with seven occupants. However, it is highly likely the rooms may be disaggregated so the occupants will pay council tax and qualify for one car parking space per room. Officers advised that issuing an informative to the council's parking department stipulating two car parking spaces for the property rather than one per room is not permissible. Informatives are for the applicant. However, members can contact the parking department to raise any concerns.

**RESOLVED that the works would be considered development requiring planning permission and RESOLVED to grant conditional permission as set out in the officer's committee report with additional conditions for time limit, approved plans, cycle storage, mitigation on the SPA and limit on occupancy to seven persons, and the Supplementary Matters report.**

Councillor Mason left the meeting at 11.30 am.

#### **141. 20/01118/FUL - 44 Hudson Road, Southsea, PO5 1HD**

Change of use from purposes falling within a Class C4 (house in multiple occupancy) to house in multiple occupancy for more than 6 persons (sui generis)

The Assistant Director of Planning & Economic Growth presented the report.

Carianne Wells (agent) made a deputation.

Members considered in this case and on its own merits the proposal to be development requiring planning permission as the proposed increase in occupancy would result in a significant difference in the character of activities compared to the existing lawful use as an HMO due to the intensity of the use of the accommodation, the impact on parking, waste, amenity impact upon existing and neighbouring residents and the impact on the Solent Special Protection Area. As such change of use is material and planning permission is required for the increase in occupancy described in the application.

#### Members' questions

In response to questions, officers clarified that the application is the same as the one received in October 2020 and validated in January 2021. The applicant has said informally that the bedrooms are all for one person but it is up to the



committee to consider room sizes and see if bigger rooms could have double occupancy and be capable of future re-licensing.

Members' comments

As the application met the space standards members felt they had to grant permission but with a heavy heart. They requested conditions in respect of Time Limit, Approved Plans, the Solent Special Protection Area, cycle storage and limiting occupancy to seven persons.

**RESOLVED that the works would be considered development requiring planning permission and RESOLVED to grant conditional permission with conditions for time limit, approved plans, cycle storage, mitigation on the SPA and limit on occupancy to seven persons.**

**142. 20/00997/FUL - 57 Orchard Road, Southsea, PO4 0AA**

Change of use from purposes falling within a class c4 (house in multiple occupancy) to house in multiple occupancy for more than 6 persons (sui generis)

The Assistant Director of Planning & Economic Growth presented the report.

Carianne Wells (agent) made a deputation.

Members considered in this case and on its own merits the proposal to be development requiring planning permission as the proposed increase in occupancy would result in a significant difference in the character of activities compared to the existing lawful use as an HMO due to the intensity of the use of the accommodation, the impact on parking, waste, amenity impact upon existing and neighbouring residents and the impact on the Solent Special Protection Area. As such change of use is material and planning permission is required for the increase in occupancy described in the application.

Members' questions

In response to questions, officers clarified that the property was licensed for eight persons on 7 October 2020.

Members' comments

- In response to the deputation, the Chair said that even if all room drawings are marked "single use" the Committee could still impose a condition on occupancy.
- In response to concerns that having three of the bedrooms next to the kitchen / diner would not make a good living environment, officers advised there is no specific policy on bedrooms being next to communal space and they did not see it as a concern. Whether an appeal could be defended depends on the committee's reasoning. If the objection is just because a bedroom is next to the kitchen then it could be declined as unreasonable. A previous refusal on the grounds of a washing machine being next to a bedroom was dismissed on appeal.

**RESOLVED that the works would be considered development requiring planning permission and RESOLVED to grant conditional permission with conditions for time limit, approved plans cycle storage, mitigation on the SPA and limit on occupancy to eight persons.**

**143. 20/01199/FUL - 41 Margate Road, Southsea, PO5 1EY**

Change of use from purposes falling within Class C4 (HMO) use to (HMO) use for more than six persons (sui generis)

The Assistant Director of Planning & Economic Growth presented the report and drew attention to the additional information in the Supplementary Matters report.

Carianne Wells (agent) made a deputation.

Members considered in this case and on its own merits the proposal to be development requiring planning permission as the proposed increase in occupancy would result in a significant difference in the character of activities compared to the existing lawful use as an HMO due to the intensity of the use of the accommodation, the impact on parking, waste, amenity impact upon existing and neighbouring residents (noting the Planning Inspectorate's previous refusal on that particular basis) and the impact on the Solent Special Protection Area. As such change of use is material and planning permission is required for the increase in occupancy described in the application.

Members' questions

In response to concerns that there was very little outside space, officers said they would have to confirm the exact measurements. However, there are no garden standards in Portsmouth and none specifically for HMOs. The current space is lawful. It would be difficult to sustain a standalone refusal with no justification on policy grounds.

Members' comments

The previous reasons for dismissal of an appeal against refusal still stand. The grounds for dismissal of the previous appeal have not been satisfied. Officers advised they would slightly amend the wording for refusal so that there is a narrative for the Planning Inspector. It will include the resolution that planning permission is required, then the reasons for refusal and that there is no SPA mitigation, though the latter could be resolved on appeal.

**RESOLVED that the works would be considered development requiring planning permission and RESOLVED to refuse the application on the grounds that the proposal would be harmful to the living conditions of future occupiers having particular regard to the internal space provision. As such, the proposal would be contrary to Policy PCS23 of the CS, Section 12 of the Framework and guidance in the SPD and that the proposal would have unmitigated adverse effect to the Special Protection Area.**

**144. 21/00071/FUL - 305 Fawcett Road, Southsea, PO4 0LE**

Change of use from house of multiple occupation (Class C4) to seven bedroom/seven person house of multiple occupation (sui generis) (resubmission of 19/01815/FUL)

The Assistant Director of Planning & Economic Growth presented the report and drew attention to the additional information in the Supplementary Matters report.

Carianne Wells (agent) made a deputation.

Members considered in this case and on its own merits the proposal to be development requiring planning permission as the proposed increase in occupancy would result in a significant difference in the character of activities compared to the existing lawful use as an HMO due to the intensity of the use of the accommodation, the impact on parking, waste, amenity impact upon existing and neighbouring residents and the impact on the Solent Special Protection Area. As such change of use is material and planning permission is required for the increase in occupancy described in the application.

Members' questions

- In response to the deputation, the Chair said the phrase "approved with a heavy heart" was sometimes used when granting planning permission because there were often representations against HMOs, especially in areas with a large number of them.
- Officers showed in the presentation which room has changed from a lounge to a bedroom.
- The applicant has confirmed their willingness to adopt the council's Nitrate Mitigation Strategy so this issue can be resolved by condition and planning obligations. Members suggested adding this information to the committee report as it might expedite proceedings.

Members' comments

As space standards have been met there was a proposal to grant planning permission, provided that there are conditions on time limit, approved plans limiting occupancy to seven persons, on cycle storage and the Solent Special Protection Area..

**RESOLVED that the works would be considered development requiring planning permission and RESOLVED to grant conditional permission with conditions for time limit, approved plans cycle storage, mitigation on the SPA and limit on occupancy to seven persons, and the Supplementary Matters report.**

Councillor New left the meeting at 12.07 pm.

**145. 21/00490/FUL - 33 Hudson Road, Southsea, PO5 1HB**

Change of use from dwelling house (Class C3) or house in multiple occupation (Class C4) to house in multiple occupation for seven occupants over seven bedrooms (sui generis)

The Assistant Director of Planning & Economic Growth presented the report.

Mr Chris Boyd (applicant) made a deputation.

Members considered in this case and on its own merits the proposal to be development requiring planning permission as the proposed increase in occupancy would result in a significant difference in the character of activities compared to the existing lawful use as an HMO due to the intensity of the use of the accommodation, the impact on parking, waste, amenity impact upon existing and neighbouring residents and the impact on the Solent Special Protection Area. As such change of use is material and planning permission is required for the increase in occupancy described in the application.

#### Members' questions

In response to questions, officers clarified that the HMO SPD refers to the Private Sector Housing policy for more nuanced guidance, for example, the recommended number of washbasins. The proposal is compliant with adopted policy. Officers pointed out that paragraph 5.7 in the committee report should refer to PCS23, not PCS20.

#### Members' comments

The communal living space is significantly below the required standard. If the space was for five persons (for which the property is currently licensed) it would be acceptable. Instead of making some of the bedrooms smaller or extending into the garden, there could be fewer bedrooms. Officers advised occupancy by six persons is lawful in planning terms and use as an HMO per se is not a breach of the licence. The grant of planning permission allowing higher occupancy followed by a commensurate licence would be a legitimate evolution of the building.

**RESOLVED that the works would be considered development requiring planning permission and RESOLVED to refuse the application on the grounds that the proposal would be harmful to the living conditions of future occupiers as the communal living kitchen area falls significantly below the required standard of 34m2 and is therefore contrary to PCS23 and that the proposal would have unmitigated adverse effect to the Special Protection Area.**

#### **146. 21/01803/FUL - 18 Pains Road, Southsea, PO5 1HE**

Change of use from purposes falling within Class C4 (house in multiple occupation) to an 8 bedroom house in multiple occupation (sui generis) (resubmission of 20/00996/FUL)

Note that this item was taken out of sequence and heard first at the meeting, meaning that Councillor Mason was present for this item prior to leaving at 11.30 am.

The Assistant Director of Planning & Economic Growth presented the report and drew attention to the additional information in the Supplementary Matters report.

- Councillor Ian Holder made a deputation objecting to the application on behalf of Mr Alastair Jones of 20 Pains Road.
- Carianne Wells (agent) made a deputation.

Members considered in this case and on its own merits the proposal to be development requiring planning permission as the proposed increase in occupancy would result in a significant difference in the character of activities compared to the existing lawful use as an HMO due to the intensity of the use of the accommodation, the impact on parking, waste, amenity impact upon existing and neighbouring residents and the impact on the Solent Special Protection Area. As such change of use is material and planning permission is required for the increase in occupancy described in the application.

The Assistant Director of Planning & Economic Growth explained that the application is subject to a valid appeal on the grounds of non-determination but the start date is not known yet. Depending on the start date, the Committee would either be determining the matter or making a recommendation to forward to the Secretary of State for their determination.

#### Members' questions

In response to questions, officers clarified that:

- HMO applications for more than six persons (sui generis) can vary in the number of proposed occupants depending on what the applicant says. Although this application has eight bedrooms some could house more than one occupant, for example, bedroom no.7. Officer advice is not to impose conditions on numbers of occupants as licensing can do this more effectively but it is the committee's decision.
- With regard to the previous appeal being dismissed because SPA nitrate water integrity issues had not been addressed, conditions cannot be imposed where planning permission is not considered necessary but the committee has now considered it necessary so, if they are minded to grant it, they can impose conditions. The applicant has confirmed they are happy to meet requirements of the mitigation scheme and has provided the necessary assurance. The necessary paperwork can be arranged in a couple of hours. Refusal on these grounds would be unreasonable and lead to costs on appeal which are ultimately costs for council tax payers.
- Likewise, if the committee is minded to grant permission they can impose standard conditions such as on cycle storage and the Solent Special Protection Area.
- Although two extra people in the property will lead to extra nitrate discharge it would be covered by the planning obligation and the payment of a fee for nitrate credits in accordance with the Nitrate Mitigation Strategy.

#### Members' comments

- The application meets the council's space standards.
- As well as agreeing with the conditions set out in the officer's report, members requested conditions on cycle storage and limiting occupancy to eight persons, as well as the three in paragraph 6.2 of the officer's report, making a total of five conditions. There have been huge strides in integrating licensing and planning over the last three years so eight

bedrooms should mean eight persons because of the impact on neighbouring residents.

- In view of compliance with space standards and the proposed conditions members granted planning permission but with a heavy heart as they are aware of problems in areas where there are many HMOs.

**RESOLVED that the works would be considered development requiring planning permission and RESOLVED to grant conditional permission with conditions for time limit, approved plans, cycle storage, mitigation on the SPA and limiting occupancy to eight persons, and the Supplementary Matters report.**

*OR (depending on start date of appeal)*

**RESOLVED that the position of the Local Planning Authority is that if the appeal for non-determination had not been submitted, it would have granted planning permission, with the Conditions for time limit, approved plans, cycle storage, mitigation on the SPA and limiting occupancy to eight persons, and the Supplementary Matters report.**

**147. 22/00510/FUL - 327 Queens Road, Portsmouth, PO2 7LY**

Change of use from Class C3 (dwelling house)/Class C4 (house in multiple occupation) to 7 person house in multiple occupation (sui generis)

The Assistant Director of Planning & Economic Growth presented the report.

Mr Simon Hill made a deputation on behalf of the applicant.

The Assistant Director of Planning & Economic Growth noted that an application for a licence for seven persons was currently under consideration. He advised members to consider carefully an objection on the grounds of impact on waste as the deputation explained the applicant has a licensed waste carrier and applications need to be assessed individually. He acknowledged the waste licence could be transferred to someone else and that the planning permission runs with the land. Waste impact is influenced by management as well as the scale of waste produced. Members noted waste needs could vary, for example, if occupants had a medical condition.

Members considered in this case and on its own merits the proposal to be development requiring planning permission as the proposed increase in occupancy would result in a significant difference in the character of activities compared to the existing lawful use as an HMO due to the intensity of the use of the accommodation, the impact on parking, amenity impact upon existing and neighbouring residents and the impact on the Solent Special Protection Area. As such change of use is material and planning permission is required for the increase in occupancy described in the application.

There were no questions from members.

Members' comments

As space standards have been met there was a proposal to grant planning permission, provided there are conditions limiting occupancy to seven persons, on cycle storage and the Solent Special Protection Area in addition to the standard conditions.

**RESOLVED that the works would be considered development requiring planning permission and RESOLVED to grant conditional permission with conditions for time limit, approved plans, cycle storage, mitigation on the SPA and limit on occupancy to seven persons.**

The meeting concluded at 12.35 pm.

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Signed by the Chair of the meeting  
Councillor Judith Smyth

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# Agenda Item 4

20/01493/FUL

WARD: ST THOMAS

**EX ST MICHAELS LODGE, BOUNDED BY SILVER STREET, STONE STREET & GOLD STREET, SOUTHSEA, PO5 3BN**

**CONSTRUCTION OF 18 DWELLINGS (12 HOUSES AND 6 FLATS) WITH ASSOCIATED LANDSCAPING AND PARKING, WITH VEHICULAR ACCESS FROM DIAMOND STREET**

[20/01493/FUL | Construction of 18 dwellings \(12 houses and 6 flats\) with associated landscaping and parking, with vehicular access from Diamond Street \(description amended\) | Ex St Michaels Lodge Bounded By Silver Street, Stone Street & Gold Street Southsea PO5 3BN \(portsmouth.gov.uk\)](#)

## **Application Submitted By:**

Mr Jonathan Spivey  
FAO PWP Architects Ltd

## **On behalf of:**

Yeoman Property Development Ltd

**RDD:** 15<sup>th</sup> December 2020

**LDD:** 16<sup>th</sup> March 2022

## **1. SUMMARY OF MAIN ISSUES**

- 1.1 The application has been brought to the Planning Committee for determination as it is a Major development, due to the number of objections (32), and because it has been called-in by Councillor Holder. For completeness, the application was also called-in for Planning Committee decision by now ex-Councillor Rob Wood.
- 1.2 The main issues for consideration are:
  - The principle of the development;
  - Design and Impact on heritage assets;
  - Impact on residential amenity;
  - Housing Mix & Affordability
  - Flood risk;
  - Highway Impacts;
  - Impact on nature conservation interests;
  - Arboriculture impacts, and
  - Other Issues

## **2. SITE, PROPOSAL AND RELEVANT PLANNING HISTORY**

### Site and Surroundings

- 2.1 The application relates to a roughly rectangular piece of land that is located to the south of Silver Street, to the west of Stone Street and to the north of Gold Street. Vehicular access would be achieved from the west, off Flint Street then Diamond Street. The site comprises open grassland with mature trees with residential development surrounding. The site has in the past had a care home operating from the site, demolished some years ago.
- 2.2 Abutting the site to the north-west is the St Judes Church Nursery and a former warehouse that has been converted to a dwelling. There is a residential block at the Gold Street/Flint Street

junction to the south west. An 'emergency', i.e. temporary, telecommunications mast and equipment is sited in the site's south-east corner.

- 2.3 The surrounding area is largely dominated by residential development which is characterised by three storey red brick blocks of apartments, while the St Judes Nursery building is a single storey but substantial cream-painted structure, and the former warehouse property comprises a three-storey flat roof contemporary structure with painted elevations.
- 2.4 The site is not within or adjacent to a Conservation Area nor are there any Listed Buildings on or adjacent to the site. The boundary of the Castle Road Conservation Area is located to the east off Little Southsea Street with Listed Buildings located off Little Southsea Street and Kings Street. Additional reference is made to heritage issues below. The Terraces Conservation Area lies to the west of the site, separated from it by the buildings fronting Flint Street.
- 2.5 The application site is not, other than being described as vacant land, subject to any specific Local Plan Designations.

### Proposal

- 2.6 Planning permission is sought for the erection of 18 dwellings that would comprise 12 houses and 6 flats together with associated landscaping and parking with vehicular access off Diamond Street to the west and individual off street parking spaces off Gold, Stone and Silver Street. Two dwellings have been deleted from the scheme during the course of the application.
- 2.7 The units proposed would comprise the following mix of dwellings:
- 2 x 1 Bedroom Apartments; (Affordable)
  - 4 x 2 Bedroom Apartments; (Affordable)
  - 4 x 3 Bedroom houses (open market), and;
  - 8 x 4 Bedroom houses (open market)
- 2.8 The buildings would be three storeys, faced in render and brickwork. A fourth storey of accommodation would be provided in some of the pitched roofspaces. They would be set back substantially from the site frontages, to retain the existing mature trees and provide landscaped gardens, and some forecourt parking off Silver Street. The vehicular access from Diamond Street would lead to the rear of the site, with a parking courtyard overlooked by the three sides of residential development proposed. The scheme would provide 33 off street parking spaces, most at the rear of the site. Each of the houses would have an integral garage.
- 2.9 The site measures approximately 0.3 hectares, and the development proposal would have a density of 60 dwellings per hectare.
- 2.10 The images below show the Proposed Site/Ground Floor Plan, and the north, east and south elevations/street scenes:

**Proposed Site/Ground Floor Plan:**



**Proposed Silver Street (North) Elevation/Street Scene:**



**Proposed Stone Street (East) Elevation/Street Scene:**



**Proposed Gold Street (South) Elevation/Street Scene:**



Planning History

The site's most relevant planning history is listed below:

- 08/00644/FUL - Construction of four-storey building to form 87 bedspace nursing home (Class C2) - Approved June 2008
- 08/00644/FUL | Construction of four-storey building to form 87 bedspace nursing home (Class C2) - Approved June 2008
- 10/00939/FUL - Construction of 4 storey building to form 90 bedspace nursing home (class C2) with associated parking and landscaping - Approved December 2010.

**3 POLICY CONTEXT**

3.1 In addition to the aims and objectives of the National Planning Policy Framework (2021), the relevant policies within the relevant policies within the Portsmouth Plan (Jan 2012) would include:

- PCS10 - Housing Delivery
- PCS12 - Flood Risk
- PCS13 - Greener Portsmouth
- PCS15 - Sustainable Design & Construction
- PCS17 - Transport
- PCS19 - Housing Mix, Size & Affordable Housing
- PCS21 - Housing Density
- PCS23 - Design & Conservation

- 3.2 In addition to the above development plan policies the Solent Recreation Mitigation Strategy (2017) and Interim Nutrient Neutral Mitigation Strategy (June 2022), Housing Standards SPD (January 2013), the Parking Standards & transportation SPD (July 2014) are also material to the determination of the application.

#### **4 CONSULTATIONS**

##### Natural England

- 4.1 No objection subject to the Appropriate Assessment and Condition regarding Special Protection Areas.

##### Arboriculture Officer

- 4.2 No objection subject to conditions concerning tree protection and landscaping.

##### Ecology

- 4.3 No objection subject to a condition concerning the mitigation measures set out in the ecology report. It is also appropriate to impose a condition ensuring biodiversity enhancement measures.

##### Highways Authority

- 4.4 The Highways Authority had confirmed the traffic generation associated with the development would be unlikely to have a material impact on the highway network. Concern was raised regarding the lack of a On Street parking Survey as the parking provision fell below that sought by the Parking. The scheme has been revised since and as such additional reference is made to parking and highway matters in the 'Comments' section below. Owing to the nature of the parking layout and nature of the comments from highways it is appropriate to impose conditions ensuring the garages are retained as such and that the parking courtyard and spaces are laid out prior to first occupation of the units proposed. An informative reminding the applicant to liaise with the Highways Authority prior to any s.278 application is also appropriate.

##### Environmental Health

- 4.5 No objection.

##### Contaminated Land Team

- 4.6 No objection subject to conditions regarding contamination surveys and remediation measures.

##### Portsmouth Water

- 4.7 General reference to mains water supplies and safe working close to water pipes. An Informative is considered appropriate in this regard.

##### Coastal Partners/Flood Risk

- 4.8 No in-principle objection. The site is at low risk of tidal flooding. Flood resilience measures should however be incorporated to address future climate change flood risk, by condition.

##### Drainage

- 4.9 No objection subject to a condition ensuring surface water and sustainable drainage (SuDS).

##### COLAS

- 4.10 Before any works commence, developer needs to contact COLAS for highways work conditions.

### Fire & Rescue

- 4.11 General comments regarding, inter alia, building regulations, fire service access, high reach apparatus, fire protection and fire safety systems. An informative would be appropriate in this instance.

### Scottish & Southern Electric

- 4.12 General response regarding water and electricity mains cables. An informative is appropriate to highlight the need to contact SSE prior to any works commencing.

### Scotia Gas Networks

- 4.13 Map received highlighting the location of gas pipes and other such infrastructure. An informative highlighting such issues to the applicant would be appropriate in this case.

### Southern Water

- 4.14 The response confirms Southern Water can provide surface and foul water sewage facilities for the site. For this an application must be made to Southern Water and as such an informative would be appropriate in this regard.

### Housing Department

- 4.15 Support the six apartments as affordable provision.

## **5 REPRESENTATIONS**

- 5.1 A total of 32 letters have been received objecting to the development. One of the letters is a petition made up of 71 signatures and addresses. There may be some double counting between the petition and letters of objection. The issues raised can be summarised as follows:

- Loss of light and privacy due to the siting and height of the flats/houses proposed;
- Despite the changes the development bears little resemblance to the surrounding buildings;
- The loss of green space and trees will have a negative impact on the environment and wildlife;
- There is already insufficient parking and the proposal, with insufficient parking will further impact this situation further;
- The surrounding streets are narrow and it is often difficult for cars to pass and the access off Diamond Street the scheme is unsafe;
- The development will further impact air pollution and noise levels that will affect resident's mental health;
- Additional cars driving round looking for parking spaces will affect the physical health of the elderly, vulnerable and children;
- The development may exacerbate anti-social behaviour in the area;
- Local infrastructure, in particular local schools and dentists would be unable to cope with the additional residents;
- The scheme will end up being 'buy to let' properties as the area is not a family area thereby adding to noise levels in the area;
- The nursery states that Diamond Street is used as an important fire escape and the staff and children would be unable to gather in this area if it were to become a highway;

## **6 COMMENT**

- 6.1 The main issues for consideration are:

- The principle of the development;
- Design and Impact on heritage assets;
- Impact on residential amenity;
- Housing Mix & Affordability
- Flood risk;
- Highway Impacts;
- Impact on nature conservation interests;
- Arboriculture impacts, and
- Other Issues

### The principle of the development

- 6.2 The site comprises brownfield land that has been vacant since the care home was demolished which is surrounded on all sides by residential development. The site previously developed land.
- 6.3 Policy PCS10 of the Local Plan states that the City Council will plan for an additional 7,117 - 8,387 homes between 2010 - 2027 that will be provided in designated areas and through conversions and redevelopment of previously developed land. Furthermore, paragraphs 5.31 and 5.34 of the Local Plan highlight the need to make the most effective use of land which is consistent with the objectives of Section 11 of the NPPF that highlights the importance of using land effectively to provide the homes and other identified needs that communities need. On this basis the proposal is entirely acceptable in principle
- 6.4 Another aspect for the determination of this application is the fact that Authority does not have a 5 year housing land supply, and the proposed development would contribute towards meeting market and affordable housing needs. The proposed development has been assessed on this basis and is deemed to be acceptable in principle as a residential development surrounded on all sides by residential development with very good access to jobs, shops, services and public transport. However, the specific impacts of the proposal must be considered as to whether the development is appropriate in detail and whether visual harm and/or harm to neighbouring amenity would occur. The detailed assessment is set out below.

### Design

- 6.5 Section 12 of the National Planning Policy Framework (NPPF) places an emphasis on achieving high quality sustainable development. Paragraph 126 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places are fundamental to what the planning and development process should achieve. Paragraph 130 sets out that developments should ensure that they function well and add to the overall quality of an area; be visually attractive; be sympathetic to local character and history; establish or maintain a strong sense of place and should optimise the potential of a site to accommodate and sustain an appropriate mix of development.
- 6.6 In addition, Policy PCS23 of the Portsmouth Core Strategy (2012) states, inter alia, that new development must be well designed and, in particular, respect the character of the city. A range of guiding principles include the need for excellent architecture, public and private spaces, the need to relate well to the city's heritage and to be of an appropriate scale, density, layout, appearance and materials in relation to the particular context.
- 6.7 The site is located within a plot of land which is surrounded by residential development that is comprised of three storey red brick structures which are of a consistent design and appearance that contributes, in part, to the underlying character of the area with the former warehouse

converted property adding a contemporary juxtaposition to the predominant traditional red brick character of the surrounding area.

- 6.8 The three storey blocks of apartments have a consistent set back distance from the highways with a visual gap between each of the blocks that, together with the established landscaping that contributes to the areas attractive character
- 6.9 The proposal, as originally submitted comprised 20 residential units. Following concerns of Officer's regarding the quantum and siting of development the applicant reduced the number of units to 18. The 18 units, as proposed, would set in a 'U' shaped layout fronting Silver Street, Stone Street and Gold Street.
- 6.10 Regarding the proposed layout; the U shaped layout ensures that the scheme will reflect the form and layout of the surrounding blocks and each of the units would have a set back distance of between 5 and 10 metres further ensuring the units siting reflects the surrounding blocks or apartments. Furthermore, the proposed set back distances will allow for the trees to be retained and sufficient space for additional landscaping.
- 6.11 The applicant has, in reducing the number of units on site allowed for more of a gap between the units proposed, particularly the two corner plots to the north and south off Stone Street. In addition, these two corner plots contain windows to the front and side and a decorative circular element which ensures a degree of visual interest and that the properties 'turn the corner' and address the street scene of both Silver Street and Stone Street and Gold Street.
- 6.12 Such a layout and set back distance ensures this element of the scheme represents a high quality design that accords with the objectives Policy PCS23. Regarding the scale and mass of the proposed units; the block of apartments adjacent to the former warehouse would be a three storey structure and would have a flat roof with a raised central element. The taller element would be approximately 0.5m below the height of the former warehouse while the units that front Gold Street would be approximately 0.5m taller than the apartment block to the west. Such limited differences in the height of the proposed units compared to the surrounding apartment blocks would have a negligible impact on the character and appearance of the area.
- 6.13 With regard to the design and appearance of the units proposed; the six apartments, as noted above would be a three storey flat roof structure that would be of a contemporary design. The elevations would be treated with a render that would be of a similar colour as the former warehouse adjacent while the apartments would have with similar fenestration as the former warehouse immediately to the west. The contemporary appearance of the proposed apartments with a similar materials palate and fenestration would ensure the proposed block of flats would respect the design and appearance of the warehouse thereby representing a sustainable quality design to this part of the site.
- 6.14 The houses across the rest of the site have also been revised. The initial set of plans proposed a more contemporary approach to the design of the dwellings with simple detailing that was considered to be a rather uninteresting approach. To the east the terrace was to be of a contemporary appearance with a flat roof and recessed upper floor, protruding bays and a contrasting materials palate. The revised design proposes a more traditional approach with added detailing to the elevation and fenestration that is more reflective of the design and appearance of the surrounding apartment blocks.
- 6.15 Both sets of dwellings have been revised both in terms of scale and design. The Upper third floor of the east facing dwellings has been revised to rooms in the roof space with velux windows and a more traditional approach to the design is now proposed with more detailing which provides additional visual interest in the appearance of the proposed dwellings.
- 6.16 The two units on the north-east and south-east corners have circular corner elements which provide a contemporary twist to the look of the two properties while ensuring these two corner plots address both street scenes. The circular elements, while not characteristic of the surrounding area provide interest and detail to the proposal.



- 6.17 Policy PCS23 ensures new developments take account of their context and, and with the variety in the scale and architectural design of the in the surrounding area, it is considered that the revised proposed layout, design and reduced quantum of development would ensure the scheme respects the scale, materials, design and overall character and appearance of the surrounding area.
- 6.18 Subject to the conditions set out below regarding materials, tree protection and landscaping it is considered that the revised changes to the scheme will ensure the development represents a high quality sustainable form of development that accords with the objectives of Policy PCS23 of the 2012 Local Plan and the NPPF.

#### Impact on residential amenity

- 6.19 Policy PCS23 also requires, inter alia, that new development protects the amenities of existing residents while requiring a good standard of amenity for future occupants.

#### Existing Residents

- 6.20 Each of the objections received have referred to the potential for the potential for loss of light and overlooking due to the number and height of the proposal that has arisen in part due to the balconies and apartments that overlook the site and therefore the proposed housing, the objections say would overlook the surrounding apartments.
- 6.21 The residential units proposed would abut the former warehouse to the west and the block of 14 - 20 Gold Street and have a front - to - front relationship with the apartment blocks that front Silver Street, Stone Street and Gold Street.

#### The Former Warehouse

- 6.22 The proposed block of six flats would abut the flank elevation of this property and would be set back from the front elevation. The warehouse property does not have any private open space to the rear and the only outdoor space is a front-facing second floor terrace nor are there any side or rear facing windows. There would, therefore, be no loss of light to the warehouse's windows. Regarding overlooking, the nearest front facing second floor window to the apartments would serve a bedroom that would look out towards the second-floor terrace. However, such overlooking would be at such an oblique angle that there would be unlikely to be any material loss of privacy to the occupants of the warehouse.

#### Silver Street Apartments

- 6.24 With regard to the occupants of the Silver Street apartments, the proposed apartment block and the detached corner plot would have a front-to-front approximate separation distance of between 19 and 21 metres. Such distances would be entirely appropriate for such a relationship and would not therefore result in a material loss of privacy to the occupants of the apartment blocks.
- 6.25 Regarding the potential for loss of light; it is considered that owing to the apartment blocks being sited to the north of the proposed development and the separation distances that the Silver Street apartments would be unlikely to be impacted in terms of loss of sunlight, apart from perhaps in deepest winter. I consider there would no effect on daylight.

#### Stone Street Apartments

- 6.26 To the east of the application site are two blocks of apartments that front Stone Street; these would have a front-to-front relationship with the residential units proposed which would front Stone Street. The proposed properties would have a separation distance of approximately of between 19 to 22 metres. Such a distance together with the nature of a front-to-front relationship would ensure that there would be no materially harmful loss of privacy to the occupants of the existing Stone Street apartments.

6.27 Regarding the potential for a loss of sunlight, the separation distance to the Stone Street apartments would ensure that there would be no material impact on the sunlight received by the apartments, apart from perhaps late afternoon in winter. I consider there would no effect on daylight As such the scheme would be unlikely to materially impact the amenities of the Stone Street apartments.

#### Gold Street Apartments

6.28 To the south of the site is an apartment block that fronts Gold Street, off set from this further south is another apartment block that fronts Copper Street. The Gold Street apartments would be a minimum of 17 metres from the proposed residential units. Such separation distances together with a front-to-front relationship would ensure there is no material loss of privacy to the occupants of the Gold Street apartments. Furthermore, with the proposed dwellings being sited to the north of the Gold Street apartments there would be no loss of light to the existing occupants.

6.29 Regarding the occupants of the apartment block that front Copper Street, these would be sited approximately 30 metres to the south with mature landscaping in between. As such, the proposal would have no impact on the occupants of the Copper Street apartments.

#### 14 - 20 Gold Street

6.30 Immediately to the west of the proposed dwellings to the south off Gold Street is a three storey block of apartments which is accessed off Flint Street. This is a T shaped block which is sited adjacent to the flank elevation of a proposed semi-detached pair of properties.

6.31 The protrusion of the proposed house beyond the rear of the existing Gold Street building is at ground floor only and the east facing windows in the Gold Street building would only overlook the ground floor element which would be approximately 8 metres to the east. Such a separation distance with the single storey nature would be unlikely to impact upon the light received by the east facing windows. Some morning sunlight to the Gold Street building's gardens would be blocked in the mornings, but this is an effect to be expected in the urban area. The scale and position of the development proposal accords with local character.

6.32 With regard to the potential for overlooking into the Gold Street building's windows, the first floor amenity terrace to the rear of the proposed house adjacent would have the potential to overlook into these windows and gardens. It is however considered that subject to a condition ensuring details of a 1.8m obscure screen are submitted and implemented as agreed would ensure there is no harmful loss of privacy to the existing occupants.

6.33 On the basis of the foregoing, the proposed development would, by virtue of the layout and separation distances, be unlikely to materially impact upon the occupants of existing residents that are adjacent to the application site, or to impact upon them in an acceptable manner given the site's context, and therefore the scheme is compliant with Policy PCS23 of the Local Plan in this regard.

#### Future Occupants

6.34 With regard to the amenities of future occupants, it is necessary to consider the proposed size of the units proposed and whether these would accord with the Government's Internal Space Standards, and whether the proposed layout would give rise to any materially harmful impacts such as overlooking within the development itself.

6.35 The Government's Nationally Described Space Standards were published in 2015 and the applicant has detailed on the submitted plans the size proposed for each of the 1 and 2 bedroom apartments together with the 3 and 4 bedroom houses proposed. Each of the apartment and housing units proposed would exceed the Space Standards. In terms of the internal space provided each of the occupants would have a good standard of amenity that either meets or exceeds the minimum space standards.

- 6.36 Regarding outdoor space, the scheme proposes both individual balconies for the six apartments with an area of communal space. The balconies would measure approximately 2m x 1m. The balconies would therefore provide sufficient room for occupants to have a table and chairs while the communal space would provide an area of outdoor communal space. The balconies provided together with the 34 sq.m communal space would ensure that there is an appropriate level of outdoor space, both private and communal, for the six apartments proposed.
- 6.37 In addition, each of the houses proposed would be provided with a first floor terrace area that would measure at least 20 sq.m which would provide a good standard of outdoor space that would reflect the larger properties that they would serve. In terms of outdoor space, the scheme would provide for good levels of outdoor space for both the apartments and houses proposed thereby adhering to the objectives of Policy PCS23 of the Local Plan and paragraph 130(f) of the NPPF. Furthermore, the site is only 350m away from Southsea Common.

#### Housing Mix & Affordability

- 6.38 Policy PCS19 of the Local Plan ensures, inter alia, that provision should meet the needs of families and larger households and therefore developments should comprise of 40% housing suitable for families, which is considered to be three bedrooms or larger.
- 6.39 In providing 66% of the units as larger housing suitable for families, the scheme is entirely appropriate and compliant with the overarching objectives of Policy PCS19.
- 6.40 Policy PCS19 also covers affordable housing and states that where there is a net increase of 15 or more dwellings, 30% of those should be provided as affordable houses. This has been superseded by the NPPF, with the threshold starting at ten dwellings and upwards. The starting point is that of that 30%, these should be provided on site. The scheme proposes 18 new units which would equate to a need for 5.4 affordable dwellings, which is rounded up to six units. The applicant has stated that the six apartments proposed are to be affordable properties.
- 6.41 Further, they have been liaising with a local registered housing provider who has agreed to take the six properties. Whilst there is a need for affordable housing for families the housing provided has stated that, in this case, the entire block of six apartments is a suitable provision. The six apartments all exceed to minimum space standards and will also have their own private and communal space and as such the units themselves would be of an appropriate standard to be taken on by the registered provider.
- 6.42 Then recommendation is to approve planning permission subject to the completion of a Section 106 Agreement to secure the provision of the six properties as affordable in perpetuity. Subject to this s.106 the scheme is compliant with the objectives of PCS19 and the NPPF with regard to affordable housing.

#### Flood Risk

- 6.43 The site is within Flood Zone 1, areas at least risk of flooding.
- 6.44 The drainage engineer has requested a condition ensuring a drainage strategy and ground investigation is provided by way of a condition. Guidance is provided including PCS12 of the Local Plan, the need to highlight the surface water sewer, the need for infiltration rates and for providing porous paving. Subject to the imposition of the drainage condition the scheme would be compliant with the objectives of Policy PCS12.

#### Highway Impacts

- 6.45 Policy PCS17 ensures, inter alia, that the City Council and partners will reduce the need to travel and provide sustainable modes and promote walking and cycling.
- 6.46 The Highways Authority reviewed the initial submission and have confirmed that the traffic generation from the proposal is unlikely to have a material impact on the operation of the broader

highway network nor is any objection raised to the proposed accesses. Their response refers to a coach house limiting the access to the site from Diamond Street, in the revisions to the scheme this has been removed and as such there would now be no restriction to the proposed access from Diamond Street.

- 6.47 The Highways Authority noted a degree of concern regarding the proposed parking provision and the potential for exacerbated on-street parking issues that may arise. These comments were based on the initial submission for 20 units. The scheme has however been reduced to 18 units which has resulted in a change to the parking requirement while the applicant has also revised the parking layout to within the rear courtyard.
- 6.48 The Highways Comments refer to the Parking SPD which for a scheme of this size (18 units) and mix would give rise to a total parking need for 30 parking spaces. In revising the layout of the rear parking courtyard together with the garages and off street parking spaces proposed, the scheme has 33 parking spaces.

Housing Mix	Parking Requirement	Parking Requirement
2 x 1 Bedroom	1 Space per Unit	2 Spaces
4 x 2 Bedroom	1.5 Spaces per Unit	6 Spaces
4 x 3 Bedroom	1.5 Spaces per Unit	6 Spaces
8 x 4 Bedroom	2 Spaces per Unit	16 Spaces

- 6.49 The scheme would deliver more than the necessary number of parking spaces required by the Parking SPD and therefore would be compliant with the objectives of Policy PCS17 of the Local Plan. It is necessary however to impose a condition ensuring the proposed garages are used and retained as such to prevent future on street parking issues that have the potential to impact upon the surrounding highway network.
- 6.50 In addition to the off street parking spaces provided the development also proposes space for bicycle parking with the apartments have a secured cycle store and each of the garages complying with the SPD in terms of internal space for additional bicycle parking. With there being appropriate levels of both car and cycle parking the scheme is considered to be compliant with the objectives of Policy PCS17. Furthermore, when the scheme is considered against paragraph 111 of the NPPF there are no highway related reasons to withhold planning permission.
- 6.51 With the parking provision being made up of the proposed garages and with the Highways Authority stating that on-street parking demand frequently exceeds capacity it is considered appropriate to impose a condition ensuring the proposed garages are provided and retained as such and that the parking courtyard and off-street frontage parking is laid out prior to first occupation. The response from the nursery refers to their fire escape existing onto Diamond Street. Their door leads directly onto the footpath that would be to the side of the proposed access. However, with the need for adult supervision of children and the limited number if cars using Diamond Street there would be no material risk to the children that may need to exit in case of an emergency in the nursery.

#### Impact on nature conservation interests

- 6.52 The Conservation of Habitats and Species Regulations 2017 [as amended] and the Wildlife and Countryside Act 1981 place duties on the Council to ensure that the proposed development would not have a significant effect on the interest features for which Portsmouth Harbour is designated as a Special Protection Area, or otherwise affect protected habitats or species. The Portsmouth Plan's Greener Portsmouth Policy (PCS13) sets out how the Council will ensure that the European designated nature conservation sites along the Solent coast will continue to be protected.
- 6.53 There are two potential impacts resulting from the accommodation proposed as part of this development. The first being potential recreational disturbance around the shorelines of the harbours, and the second being from increased levels of nitrogen and phosphorus entering the Solent water environment.

- 6.54 Officers have submitted an Appropriate Assessment, dated 24<sup>th</sup> June 2022, to Natural England who have subsequently confirmed that they raise no objection to the proposal subject to the necessary mitigation being secured. The mitigation contribution for the recreation disturbance is £13,057 whilst a total of £43,775 is required to ensure nitrate neutrality based on 17.51kg TN/yr.
- 6.55 The recommendation is for the Committee to recommend the granting of permission subject to the completion of the Section 106 legal Agreement to secure the mitigation payment for both the recreational bird disturbance and nitrate neutrality.
- 6.56 In terms of the biodiversity value of the site itself, the City Council's Ecology Officer had requested additional and revised surveys and ecology assessment relating to the potential for reptiles to be present on site. The Ecology officer has reviewed the updated report and has confirmed they raise no objection subject to a condition ensuring the mitigation measures set out in the report are implemented as set out in the report.
- 6.57 In addition, and pursuant to Policy PCS13 it is considered appropriate to impose a further condition to ensure biodiversity enhancement measures and a detailed management plan are Provided.

#### Arboriculture Issues

- 6.58 A number of the trees that are located around the boundaries of the site are protected by Tree Preservation Orders. The Arboriculture Officer has reviewed the plans and the submitted Arboriculture Assessment and has raised no objection to the scheme subject to a number of issues and conditions.
- 6.59 The main issue is that the existing trees and additional landscaping are retained in perpetuity to ensure such landscaping is not removed to provide additional parking in the future.
- 6.60 With the level of parking proposed exceeding the parking required by the SPD it is considered appropriate and reasonable to ensure the retained and additional landscaping is retained in perpetuity due to the importance of and contribution trees and landscaping make to the area and that the level of parking is appropriate.
- 6.61 In addition to the need for existing and additional landscaping, in itself to be secured by a condition, it is considered necessary to impose a tree protection condition ensuring additional tree protection details are submitted. The submitted plan, Alderwood Consulting Limited Plan No. AC001 shows protective measures around Tree T2 Hornbeam in the rear. There are no details submitted to the trees to the front. Such a condition is necessary due to the importance of the TPO trees to the amenity of the area. Subject to these conditions the proposal would accord with the objectives of Policy PCS13 of the Local Plan.

#### Other Issues

- 6.62 To the east of the apartment blocks that front Stone Street is the boundary of the Castle Road Conservation Area which protrudes south by Copper Street. It is considered that due to the distances and intervening development the proposed development would not impact upon the Conservation Area or its setting. It is the same conclusion for the same reasons for the Terraces Conservation Area to the west.
- 6.63 In addition to the above conditions it is considered necessary to impose a condition ensuring a Construction Site Management Plan is submitted due to the constraints imposed by the demand for on-street parking and residential nature of the area.

#### Conclusion

- 6.64 Having regard to all of the material planning matters which have been explored above, it is considered that the proposal would represent a positive addition to the area, would not unduly impact upon the amenities of neighbouring properties, would afford future occupants with a good standard of living, and would represent an efficient use of a brownfield site in providing for both

market and affordable houses and subject to the conditions set out below the development would secure the necessary landscaping and ecological benefits. The development would yield new housing for the city, including affordable units, and it is located at a very sustainable location. Having considered that there would be no significant/unacceptable adverse impacts on residential amenity, character and design, the surrounding highway network and nature conservation interests, the development would contribute to the achievement of sustainable development as required by the NPPF.

**RECOMMENDATION I** - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to grant Conditional Permission subject to completion of a Legal Agreement to secure the following:

- i. To secure the provision of the six apartments as affordable housing.
- ii. Mitigation of the development with respect to the recreational disturbance to the Special Protection Areas.
- iii. Nitrate neutrality mitigation for the Special protection Areas

**RECOMMENDATION II** - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to add/amend conditions where necessary, and

**RECOMMENDATION III** - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to refuse planning permission if a Legal Agreement to secure the affordable housing, and the mitigation of the development with respect to the Special Protection Areas pursuant to Recommendation I has not been completed within three months of the date of this resolution.

## **RECOMMENDATION                      Conditional Permission**

### **PRO-ACTIVITY STATEMENT**

In accordance with the National Planning Policy Framework the City Council has worked positively and pro-actively with the applicant through the application process, and with the submission of amendments an acceptable proposal has been achieved.

#### Time Limit

1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

#### Approved Plans

2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings -

Drawing numbers:

1200 Rev. K  
1210 Rev. H  
1220 Rev. H  
1510 Rev. B  
1420 Rev. F  
1410 Rev. F  
1400 Rev. F  
1430 Rev. C  
1600 Rev. C  
1610 Rev. C  
1620 Rev. B  
1630 Rev. C

Reason: To ensure the development is implemented in accordance with the permission granted.

### Land Contamination

3) (i) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority (or within such extended period as may be agreed with the Local Planning Authority) the following in sequential order:

a) A desk study (undertaken following best practice including BS10175:2011+A2:2017 'Investigation of Potentially Contaminated Sites Code of Practice') documenting all the previous and current land uses of the site. The report shall contain a conceptual model (diagram, plan, and network diagram) showing the potential contaminant linkages (including consideration of asbestos), including proposals for site investigation if required with the sampling rationale for all proposed sample locations and depths being shown in the conceptual model (Phase 1 report).

b) A Phase 2 site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the conceptual model in the desk study (to be undertaken in accordance with BS10175:2011+A2:2017 and BS8576:2013 'Guidance on investigations for ground gas - Permanent gases and volatile organic compounds (VOCs)'). The report shall refine the conceptual model of the site and confirm either that the site is currently suitable for the proposed end-use or can be made so by remediation (Phase 2' report).

c) A remediation method statement report detailing the remedial scheme and measures to be undertaken to avoid risk from contaminants and/or gases when the development hereby authorised is completed, including proposals for future maintenance and monitoring, as necessary (Phase 3 report). If identified risks relate to bulk gases, this will require the submission of the design report, installation brief, and validation plan as detailed in BS8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings and have consideration of CIRIA 735 Good practice on the testing and verification of protection systems for buildings against hazardous ground gases. The remedial options appraisal shall have due consideration of sustainability as detailed in ISO 18504:2017 Soil quality — Sustainable remediation. It shall include the nomination of a competent person to oversee the implementation of the remedial scheme and detail how the remedial measures will be verified on completion.

### Construction Environmental Management Plan

4) (a) Unless otherwise agreed in writing with the Local Planning Authority, no works pursuant to this permission (including demolition) shall commence until a Construction Environmental Management Plan (CEMP), to cover both demolition and construction phases, has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include, but not limited to, details of: development site compound and hoarding; method of demolition; cleaning of the wheels and bodies of vehicles leaving the site; construction vehicle routing; site access management; working hours & times of deliveries; loading/offloading areas; storage of materials; site office facilities; contractor parking areas; method statement for control of noise, dust and emissions from demolition/construction work; and

(b) The development shall be carried out in accordance with the CEMP approved pursuant to part (a) of this condition and shall continue for as long as demolition and construction works are taking place at the site, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To minimise the potential for conflict with users of the surrounding highway network and to protect the amenity of nearby occupiers in accordance with Policies PCS17 and PCS23 of the Portsmouth Plan (2012).

### Employment & Skills Plan

5) Unless otherwise agreed in writing with the Local Planning Authority, no works associated with the construction of the development hereby permitted (including foundations and drainage works) shall commence until an Employment & Skills Plan has been submitted to and approved in writing with the Local Planning Authority. The Plan shall incorporate a package of measures aimed at improving the training, skills and employability of the workforce to be employed for the construction and occupation of the development, and mechanisms to review and report back on progress achieved to the Local Planning Authority; and

(b) The development shall then be carried out in accordance with the Employment & Skills Plan approved pursuant to part (a) of this Condition.

Reason: To contribute towards the provision of training and employment opportunities for local residents during the construction phase of the development in accordance with Policy PCS16 of the Portsmouth Plan and the Achieving Employment and Skills Plans SPD (2013).

### Materials

6) (a) Notwithstanding the submitted details, no development works other than those of ground works, and construction of the building's foundations shall take place until:

i) a full and detailed schedule of all materials and finishes (including a samples board) to be used in the construction of the external surfaces of the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority; and

ii) a sample panel (minimum 2 metres square) for each of the proposed masonry types to demonstrate: colour; texture; bedding and bonding pattern; mortar colour and finish has been installed at the application site and approved in writing by the Local Planning Authority; and

(b) The development shall be carried out in full accordance with the schedule of materials and finishes agreed pursuant to part (a)i) of this Condition; and the sample panels approved pursuant to part (a)ii) of this Condition retained on site for verification purposes until completion of the construction works.

Reason: To secure a high quality finish to the development in the interests of visual amenity in accordance with Policy PCS23 of the Portsmouth Plan (2012), and the aims and objectives of the National Planning Policy Framework (2021).

### SPA Mitigation - Nitrates

7) The building hereby permitted shall not be occupied until a scheme for the mitigation of the effects of the development on the Solent Waters Special Protection Areas arising from discharge of nitrogen and phosphorus through waste water, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall make provision for the delivery of nutrient neutrality in accordance with the published mitigation strategies of the Council. In the event that the proposal is for the physical provision of mitigation to achieve nutrient neutrality that provision shall be provided in accordance with the approved scheme before the first study bedroom is occupied/brought into use.

Reason: To ensure that the development, either on its own or in combination with other plans or projects, would not have an adverse effect on the integrity of on a European site within the Conservation of Habitats and Species Regulations 2017 [as amended] and the Wildlife and Countryside Act 1981.

### Biodiversity Mitigation Measures & Enhancements



8) The mitigation, recommendations and enhancement measures set out in Section 6.0 of the Silver Street, Portsmouth Preliminary Ecological Appraisal report (Ecosupport Ltd., dated 1st March 2021) will be adhered to. Prior to commencement of development, the development shall subsequently proceed in accordance with any such approved details, with the enhancement features being permanently retained. Photographs and a report of the implemented measures shall be submitted by an ecologist for approval to the Local Planning Authority prior to occupation.

Reason: To ensure that the scheme complies with Policy PCS13 of the Portsmouth Plan and the NPPF.

#### Detailed Biodiversity enhancements

9) (a) Unless otherwise agreed in writing with the Local Planning Authority, no development works other than those associated with the demolition and construction of the building's foundations shall take place until an augmented and detailed scheme of biodiversity enhancements to be incorporated into the development has been submitted to and approved in writing by the Local Planning Authority; and

(b) The scheme of biodiversity enhancements approved pursuant to part (a) of this Condition shall be carried out as an integral part of the construction process and verified through photographic evidence submitted to the Local Planning Authority within 6 months of first occupation; and

(c) The scheme of biodiversity enhancements approved pursuant to part (a) of this Condition shall thereafter be permanently retained.

Reason: To ensure that the scheme complies with Policy PCS13 of the Portsmouth Plan and the NPPF.

#### Drainage

10) Prior to the commencement of development a Surface Water Drainage Strategy & Surface Water Flood Risk Mitigation Report shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall then be implemented as approved and retained in perpetuity. The Surface Water Drainage Strategy shall include full infiltration test results and associated SuDS details to be used on site.

Reason: In the interests of surface water drainage management and flood risk mitigation in accordance with Policy PCS12 of the Portsmouth Local Plan (2012).

#### Landscaping

11) (a) Notwithstanding the submitted details, the development hereby permitted shall not be occupied/brought into use until detailed hard and soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; and

(b) Unless otherwise agreed in writing with the Local Planning Authority, the hard landscaping schemes approved pursuant to part (a) of this Condition shall be completed prior to first occupation of the building hereby permitted; and

(c) The soft landscaping schemes approved pursuant to part (a) of this Condition shall be carried out within the first planting/seeding season following the first occupation of the building. Any trees/shrubs which, are removed or become damaged or diseased shall be replaced in the next planting season with others of the same species, size and number as originally approved.

Reason: To secure a high-quality setting to the development and ensure adequate external amenity space for future users of the building in the interest of visual and resident amenity in accordance with Policy PCS23 of the Portsmouth Plan (2012) and the Tall Buildings SPD (2012).

### Bicycle Storage

12) (a) Unless otherwise agreed in writing with the Local Planning Authority, the development hereby permitted shall not be occupied/brought into use until bicycle storage facilities have been provided in accordance with a detailed scheme first submitted to and approved in writing by the Local Planning Authority. The scheme shall include, but not be limited to: details of any storage structures, lockers, maintenance facilities, electric changing points, security measures to protect cycles and users; and

(b) The bicycle storage facilities approved pursuant to part (a) of this Condition shall thereafter be permanently retained for the storage of bicycles at all times.

Reason: To ensure adequate provision for and to promote and encourage cycling as an alternative to use of the private motor car in accordance with policies PCS14, PCS17 and PCS23 of the Portsmouth Plan (2012).

### Refuse Storage

13) (a) Notwithstanding the submitted details, no part of the development hereby permitted shall be occupied/brought into use until facilities for the storage of refuse, recyclable materials and food waste have been provided in accordance with a detailed scheme first submitted to and approved in writing by the Local Planning Authority; and

(b) The facilities approved pursuant to parts (a) of this Condition shall thereafter be permanently retained for the storage of refuse and recyclable materials at all times.

Reason: To ensure that adequate provision is made for the storage of refuse and recyclable materials in accordance with policy PCS23 of the Portsmouth Plan (2021).

### Terrace Obscure Glass Screens

14) Prior to first occupation of the relevant properties, details of privacy screens as having obscure glass (Pilkington Level 3 or higher) on the outdoor amenity terraces shall be submitted for the written approval of the Local Planning Authority. The screens shall be installed prior to the first occupation and retained as such unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity in accordance with Policy PCS23 of the Portsmouth Plan (2012).

### Garage Retention

15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) the garages shown on the approved plans shall be kept available for the parking of cars and shall not be converted to any use without the prior written consent of the Local Planning Authority.

Reason: To ensure adequate parking and in the interests of highway convenience in accordance with Policy PCS17 of the Portsmouth Plan (2012)

### Parking Provision

16) The parking area shown on the approved plans shall be laid out and retained as such prior to the first occupation of the development hereby permitted.

Reason: To ensure adequate parking and in the interests of highway convenience in accordance with Policy PCS17 of the Portsmouth Plan (2012)

### Tree Protection

17) No development shall commence on site until a scheme for the safeguarding of all trees, shrubs and other natural features not scheduled for removal during the course of the site works and building operations in accordance with British Standard:5837 (2005) has been submitted to and approved in writing by the Local Planning Authority. All trees, shrubs or features to be protected shall be fenced along a line to be agreed with the Local Planning Authority with:

- a) 1.5 m high chestnut paling securely mounted on scaffold framing which is firmly secured in the ground and braced to resist impact; or
- b) 2.4 m high heavy duty hoardings securely mounted on scaffold framing which is firmly secured in the ground and braced to resist impact.

Such fencing shall be maintained during the course of the works on site. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area.

Reason: To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability throughout the construction period in the interests of amenity in accordance with Policy PCS13 of the Portsmouth Plan (2012) and Policy DC2 of the Portsmouth City Local Plan 2001-2011.

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# Agenda Item 5

22/00255/FUL

WARD: CHARLES DICKENS

LAND AT FLATHOUSE QUAY CIRCULAR ROAD PORTSMOUTH

INSTALLATION OF CONCRETE BATCHING PLANT

LINK TO DOCUMENTS:

[22/00255/FUL | INSTALLATION OF CONCRETE BATCHING PLANT | LAND AT FLATHOUSE QUAY CIRCULAR ROAD PORTSMOUTH](#)

**Application Submitted By:**

Mr Richard Ford

**On behalf of:**

Mr Richard Ford

Brett Concrete Limited

**RDD:** 23rd February 2022

**LDD:** 26th May 2022

## 1.0 SUMMARY OF MAIN ISSUES

- 1.1 The application is being presented to the Planning Committee due to the scale of the development, and because the City Council is the landowner.
- 1.2 The main determining issues for the scheme are as follows:
  - Principle of development;
  - Impact on the character and appearance of the area and associated heritage assets;
  - Impact on residential amenity;
  - Impact on highways safety;
  - Impact on ecology, including the Solent Special Protection Areas;
  - Contaminated land
  - Flooding
- 1.3 Site and Surroundings
- 1.4 The application relates to an area of land (0.38 hectares) located within the Portsmouth International Port, just to the north of Circular Road which leads from Flathouse Road. The site is hard-surfaced with concrete and is surrounded by a brick wall to the south and the surrounding townscape comprises of intensive industrial development as per location plan below.
- 1.5 Flathouse Quay is used for the import, export and handling of a wide range of goods and cargoes. The application site, which comprises an area to the landward side of the quay, has been in port operational use for many decades and is used for the import, export, storage and handling of refrigerated cargo. Fruit and other perishable foodstuffs are landed, stored and sorted before being delivered nationally from the port around the UK. In addition, as a general cargo port, the quay is used regularly for bulk products; sea-won aggregates, timber, grain, shipping containers and other raw materials, as well as special project cargoes such as wind-farm blades.

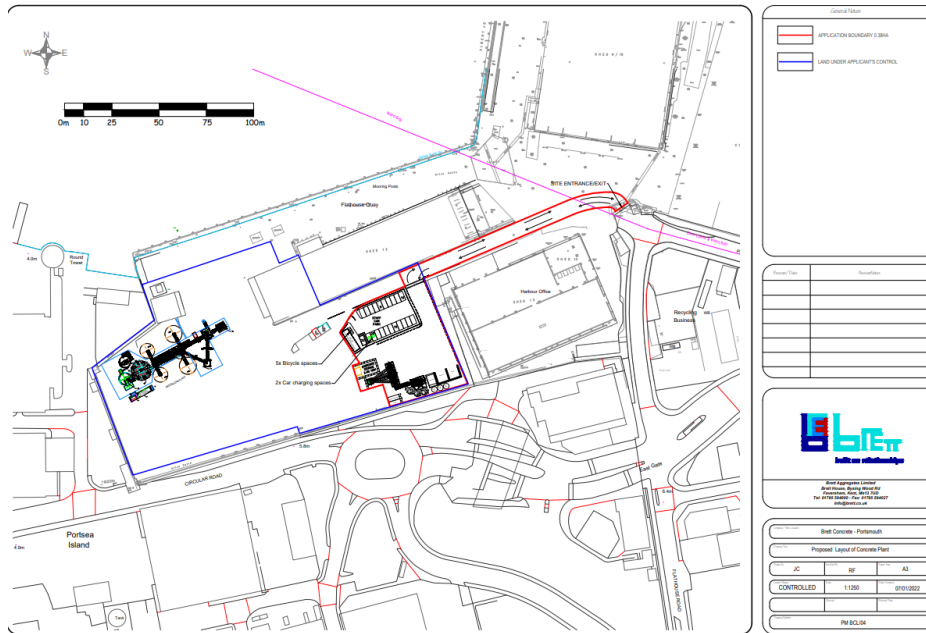
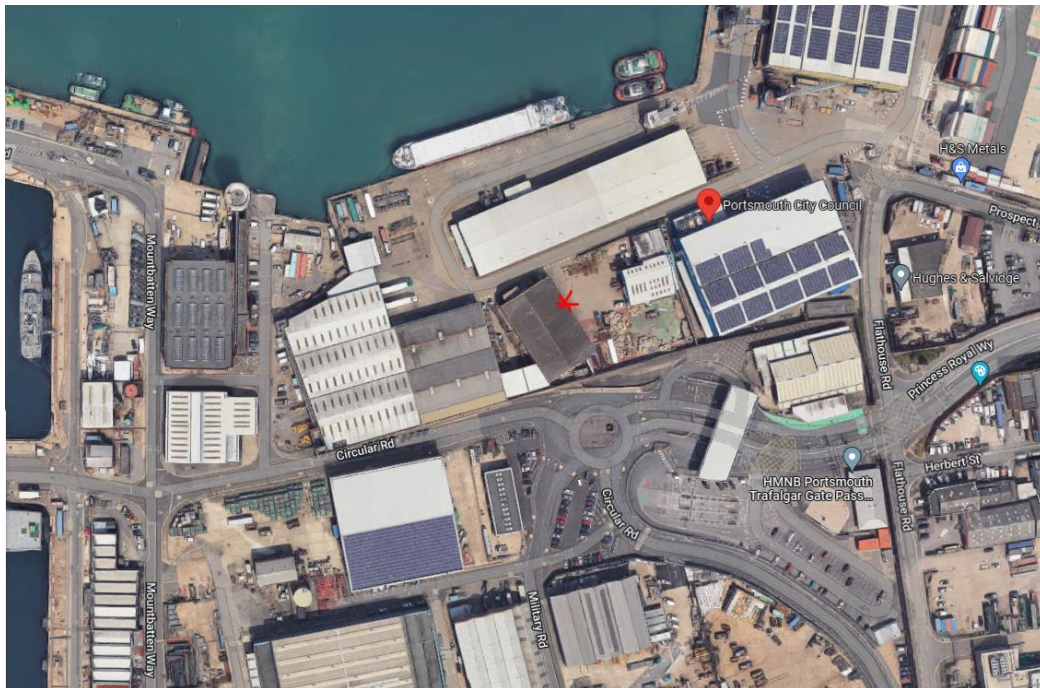


Figure 1- Site location plan

- 1.6 Aerial photograph of the application site and the immediate surroundings showing structures which previously occupied the application site and the adjacent land.



## 2.0 Proposal

- 2.1 Planning permission is sought for the installation of a concrete batching plant.
- 2.2 The plant would consist of largely relatively low-level machinery and conveyors, with the tallest element being the cement storage silos extending to 13.19m in height (see proposed elevations and layout plans below). The proposals would consist of grey steel plant, black rubber conveyor belts, and grey steel cement and water silos.
- 2.3 Twenty-two parking bays, and five cycle parking bays, are proposed. There would be eight full-time employees.
- 2.4 This planning application is submitted by Brett Concrete Limited, part of the Brett

Group; the UK's largest independent construction and building materials group, founded in 1909 and based in the Southeast of the UK. The Brett Group consists of five wholly owned operating businesses, including Brett Concrete Ltd, and two joint ventures.

- 2.5 Brett Aggregates operates a network of wharves, quarries, rail sidings and recycling facilities that are all involved in supplying construction materials to assist in meeting local market requirements. This network includes 8 wharves where Brett imports aggregates for supply into the local construction markets and, where infrastructure allows, for onward delivery by rail or river.
- 2.6 Brett Aggregates gained Planning Permission for the installation and operation of a low-level aggregates plant at Flathouse Quay on land nearby to the west of the new application. To complement the aggregates handling and sorting operations at Flathouse Quay, the proposed concrete batching plant is a new industrial activity to the port, to enable the production and distribution of ready mixed concrete to construction sites within Portsmouth and surrounding area. The facility would increase the range of products that can be supplied into the local construction market and reduces the need for concrete to be imported into the local area from further afield, improving the sustainability of the supply chain for local construction projects. Aggregates are already imported to Flathouse Quay by vessel and exported by road, with only an element of the total aggregate throughput being sorted into size fractions. Aggregates for the production of ready mixed concrete are therefore already available on site, with only admixtures, specialist aggregates and cement being required for importation.

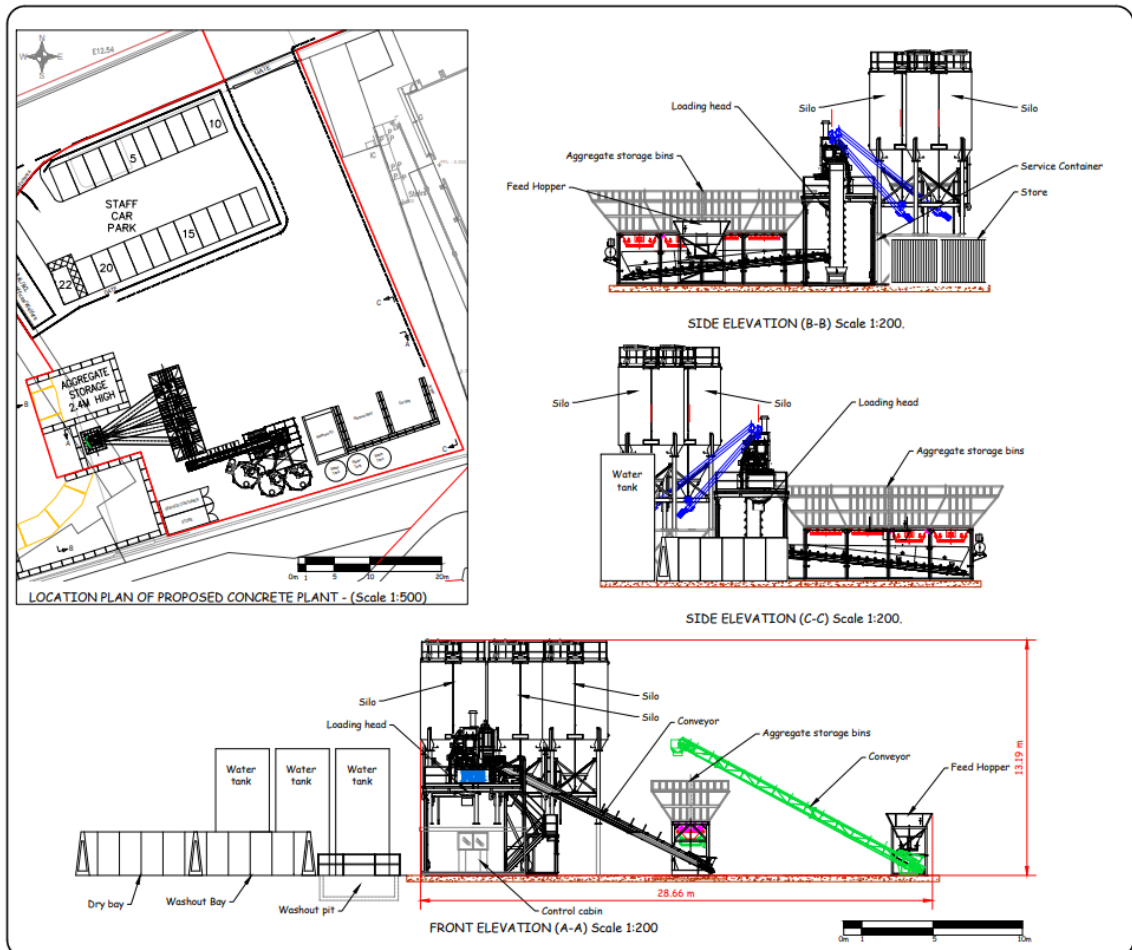


Figure 2: Proposed elevations

### 3.0 Planning history

- 3.1 The nearby site to west recently approved planning permission reference 21/01161/FUL for the installation of low-level aggregate handling plant (Conditional Approval - 12.01.2022) is of relevance.

### 4.0 **POLICY CONTEXT**

#### 4.1 Hampshire Portsmouth, Southampton, New Forest National Park & South Downs National Park Minerals and Waste Plan

- Policy 19: Aggregate wharves and rail depots
- Policy 34: Safeguarding potential minerals and waste wharf and rail depot infrastructure

#### 4.2 Portsmouth Plan (2012):

- Policy PCS11 Employment Land
- Policy PCS13 A Greener Portsmouth
- Policy PCS23 Design and Conservation
- Policy PCS24 Tall Buildings

#### 4.3 Portsmouth City Local Plan (2001 - 2011) - retained policy January 2012:

- Saved policy DC21 Contaminated Land
- Saved policy PH1 Portsmouth Harbour Coastal Zone

#### 4.4 Other guidance:

- National Planning Policy Framework (2021)
- The Parking Standards and Transport Assessments Supplementary Planning Document (2014)

- 4.5 In accordance with the National Planning Policy Framework (NPPF) 2021 due weight has been given to the relevant policies in the above plans.

### 5.0 **CONSULTATIONS**

- 5.1 Coastal and Drainage - No comment received.

- 5.2 Natural England - No formal comments to make.

- 5.3 Queen's Harbour Master - No response received.

- 5.4 Defence Estates (SW Region) - No response received.

- 5.5 Coastal Partners - No objection. Recommend that applicant sign up to the Environment Agency's Flood Warning Service to ensure adequate warning before any type of extreme flood event.

- 5.6 PCC Drainage (Lead Local Flood Authority (LLFA)) - The site is on Flood Zone 1, therefore there is no requirement for an FRA. Drainage strategy is sound, subject to a Condition to address the following:

- Where would site drainage outlet be if existing pipe downstream of manhole CL 5.15 is found not to be suitable / at correct level?



- At the vehicular entrance there should be a drainage feature that collects all run-off before it leaves the site. There appears to currently be a route for run-off to pass by the proposed drainage network without being collected.
  - I don't see any operation or maintenance notes for the proposed silos or infrastructure. There should be in place a regime of inspection for all assets - AcoDrain / Interceptor / Washout facilities / silo emptying frequency etc
  - At construction phase the drainage network should be installed prior to surfacing in terms of concrete slabs, so as not to leave any 'trench' scarring which can lead to failure
- 5.7 Application 21/01161/FUL for an adjacent aggregate handling plant I assume will be benign washed materials and as such is not subject to the same requirements for water quality.
- 5.8 Marine Management Organisation - Standard response received, no specific comments for this site/proposal.
- 5.9 Contaminated Land Team - No objection subject to conditions.
- 5.10 Environmental Health - Given the location it is not envisaged that any significant loss of amenity to local residents due to the operation of the plant in terms of air quality however there are some potential issues associated with noise.
- 5.11 Therefore, recommend as per Page 7 of the applicants BS 4142 Noise Assessment Report that operations be restricted to 07:00hrs - 23:00hrs.
- 5.12 Highways Engineer/Local Highway Authority (LHA) - Whilst they do not accept the applicant's contention regarding traffic generation and in respect of their established / permitted development, the LHA officer is satisfied that the proposal would not generate a sufficient increase in traffic movements to justify that change being a material consideration. Adequate space is provided on site for parking and turning and there would be limited sustainable grounds (if any) for an LHA objection to this one.
- 5.13 Mineral and Waste Consultation - Awaiting comments.
- 5.14 Environment Agency - No objection subject to conditions to address contamination of controlled waters.

## **6.0 REPRESENTATIONS**

- 6.1 No third-party comments received

## **7.0 COMMENT**

### 7.1 Principle of development

7.2 The application site is located on land that is part of a wider area identified in the Hampshire Minerals and Waste Plan (2013) that is safeguarded as an area for a potential minerals and waste wharf (Policy 34).

7.3 Policy 19 of the Hampshire Minerals and Waste Plan supports wharf proposals that are sustainable development that meets the following criteria:

- i. have a connection to the road network; and
- ii. have a connection to the rail network or access to water of sufficient depth to accommodate the vessels likely to be used in the trades to be served; and
- iii. do not pose unacceptable harm to the environment and local communities.

- 7.4 Furthermore, the application site is an operational commercial port where the Portsmouth Plan Policy PCS11 applies. This Policy promotes sustainable economic development in the City and protects land at the port for uses directly related to the operational requirements of the port.
- 7.5 Finally, Policy PH1 of the Portsmouth City Local Plan (2001 - 2011), Portsmouth Harbour Coastal Zone is also applicable. This Policy states that proposals that may have a direct impact on the Portsmouth Harbour will only be permitted if they have no adverse effect upon the coastal landscape, public access to the waterfront, navigation within the harbour or nature conservation interests.
- 7.6 The submission satisfactorily demonstrates that the site meets both the first two criteria set out in Policy 19 of the Hampshire Minerals and Waste Plan. Therefore, it is considered that the principle of the proposed development is acceptable subject to no unacceptable harm to the environment and local communities, addressed later in this report.
- 7.7 Therefore, the assessment has to be made whether the proposal is acceptable in terms of its visual impacts, impacts on the setting of nearby heritage assets, impacts on residential amenity, highways, ecology including impacts on the Solent Special Protection Areas.
- 7.8 Impact on the character and appearance of the area and associated heritage assets
- 7.9 The application is supported by a Landscape and Visual Impact Assessment which assess the surrounding landscape character, the extent of visibility of the proposed development from a short and long-distance and evaluates the proposal's impacts on visual amenity, the fabric of the site and the adjacent land. It considers a range of receptors including residents, road users, employees of nearby businesses as well as the Royal Naval Base.
- 7.10 The assessment notes that application site is located with the Portsmouth International Port which accommodates commercial good handling activities, associated building and structures, such as warehouse style sheds, storage tanks, containers and cranes. Therefore, the surroundings are characterised by harbour, shipping and storage facilities and buildings in the nearby employments areas of up to 19m height. Given the nature of the surroundings, I concur that the landscape impact of the proposed development is not considered to be harmful.
- 7.11 In terms of visual impacts on public vantage points, long-distance views of the plant would largely be restricted by other buildings, such as warehouses and office buildings. The main area where a limited view of the upper section of the plant would exist is to the east from Flathouse Road. However, as the plant would be seen in the context of the surrounding area, its visual impact would be acceptable.
- 7.12 Overall, Officers consider that the visual impact of the proposed development would be acceptable and there would be no harm to visual amenities of local residents, road users and employees of nearby businesses including the Royal Naval Base.
- 7.13 In terms of impact on heritage assets, the application is supported by a Heritage Statement which assess the impact of the proposal on the nearby designated or non-designated heritage assets, including The Round Tower and Fredericks Battery. The Statement concludes that the proposal would cause no harm to the setting of these assets.
- 7.14 Officers note that the proximity to the recently approved Aggregates plant (21/01161/FUL). The Aggregates plant was 8m tall and was also supported by a Landscape and Visual Appraisal. All was found to be acceptable, including PCC

Heritage advice. The concrete plant is 13m tall, with silos at height. However, although this would have more visual impact it is still well away from public realm to the east.

- 7.15 The concrete plant (yellow) is further away from the two listed buildings than the Aggregates (green) and thus considered to have limited and reasonable impact.
- 7.16 In light of the above, it is considered that the character and appearance of the area would not be materially affected by the proposed development and, insofar as the statutory duties imposed by Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are engaged, their objective of preserving the setting of listed buildings is satisfied.
- 7.17 Impact on residential amenity
- 7.18 In terms of protection of public health, safety and amenity, including noise impacts, the application is supported by a Noise Assessment and an Air Quality Note.
- 7.19 The Noise Assessment sets out noise levels arising from the operation of the proposed plant and the associated activity such as the use of a loading shovel to assess impacts on the nearest dwellings to the site. The nearest dwellings to the site for which baseline noise measurements were obtained in June 2021 are those on Grafton Street just over 450 metres to the east of the site, Staunton Street/All Saints Road including Wingfield House Student Accommodation approximately 630 metres to the south-east of the site and Estella Road which is located just under 600 metres to the east of the site. The Assessment concludes that there would be no adverse noise impacts on the residents in Grafton Street, Wingfield House and Estella Road for both the daytime/evening and night times. This is due to presence of intervening buildings as well as other existing sources of noise, in particular from the road and the port itself.
- 7.20 In terms of air quality, the submitted air quality assessment concludes that the impact of the proposed development in terms of dust and particulate matter emissions during operation would not be significant. Similarly, as the proposal would not result in increased traffic flows, additional emissions from road traffic are not envisaged.
- 7.21 The PCC Environmental Health Officer reviewed the submitted information and raised no objection, subject to a condition restricting the plant's operating hours to 07:00 - 23:00 daily.
- 7.22 Impact on highway safety
- 7.23 The application site is located with the Portsmouth International Port which is a major UK port that handles ferry, cruise and commercial transport and as a consequence already generates a significant volume of a road traffic. The Port is also a major employer in the City and high volumes of employee trips using variety of transport modes are already taking place and are accommodated within the City and the Port. The proposed development and the associated activities would form an integral part of the operation of the Port.
- 7.24 The Local Highway Authority was consulted, and they commented whilst they do not accept the applicant contention regarding traffic generation and in respect of their established / permitted development, they are satisfied that the proposal would not generate a sufficient increase in traffic movements to justify that change being a material consideration. Adequate space is provided on site for parking and turning and there would be limited sustainable grounds (if any) for a LHA objection to this one.
- 7.25 Officers are however satisfied, in light of the current use of the quayside as a commercial port that the proposed use will not result in a demonstrably adverse increase in vehicular movement compared to the continuation of normal unloading and shipping in this area.

7.26 Impact on ecology, including the Solent Special Protection Areas

7.27 Natural England has advised that they have no formal comments to make.

7.28 In terms of a net biodiversity gain, Policy PCS13 (a greener Portsmouth) expects development to produce a net gain in biodiversity wherever possible. In this case, the site is located within an operational industrial site with the area extensively covered with hard surfaces that accommodate necessary infrastructure and activities associated with the Port use. The site offers limited opportunity to provide biodiversity enhancement measures, and given the nature of its surrounding, it is considered that in this case, producing a net biodiversity gain would not be practicable.

7.29 Contaminated Land

7.30 The Contaminated Land Team has recommended a condition requiring a Method Statement detailing the Brownfield working practices to be followed to avoid risks to site workers and the wider environment during any groundworks, and to future site users. These conditions address the Environment Agency's conditions requests.

7.31 Conclusion

7.32 The application seeks planning permission for the installation of a concrete batching plant to enable the production and distribution of ready mixed concrete to construction sites within Portsmouth and surrounding area and also to complement the existing aggregates handling and sorting operations. The development would improve the sustainability of the supply chain for the local construction projects and would reduce carbon emissions through reduced road traffic flows. The proposed development would also generate 8 full-time employment opportunities.

7.33 The proposed development is considered to be in accordance with the relevant planning policies and any potential environmental impacts can be managed through measures secured with planning conditions. The application is recommended for a conditional approval.

## **RECOMMENDATION**

Grant Conditional Permission subject to the following conditions:

### **Time Limit**

1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

### **Approved Plans**

2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers:

- PM BCL 04 - Proposed layout of concrete plant
- PM BCL 02 A - Plan and elevations of proposed concrete plant
- 2022 02 16 - Supporting statement - bcl portsmouth final
- Noise Impact Assessment - Brett Portsmouth BS4142 Assessment 07 FEB 22 by WBM Acoustic Consultants
- Air Quality Assessment - BRETT CONCRETE MARINE TERMINAL J10\_12219\_B F6 by Air Quality Consultants Ltd
- Landscape and Visual Assessment by Bright & Associates Landscape and Environmental Consultants (January 2021)
- Heritage Statement January 2022 by Andrew Josephs Associates

- Transport Assessment - 220210 - Transport statement v1.2 by Velocity Transport Planning (VTP)

Reason: To ensure the development is implemented in accordance with the permission granted.

### **Contaminated Land**

#### **3) Prior to Commencement**

(i) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority or within such extended period as may be agreed with the Local Planning Authority:

A Method Statement detailing the Brownfield working practices to be followed to avoid risks to site workers and the wider environment during any groundworks, and future site users on completion of the development. It shall include the nomination of a competent person to oversee the implementation of the method statement and include detail on how these measures will be recorded during the works (to include, but not be limited to a daily diary produced by the nominated competent person overseeing the works, and waste consignment notes for disposal of soils excavated from site).

#### **Prior to Occupation**

(ii) The development hereby permitted shall not be first occupied/brought into use until there has been submitted to, and approved in writing by, the Local Planning Authority, documentation to evidence implementation of the method statement as agreed in line with condition (i) above. This may include a daily diary of the nominated competent person overseeing the works, waste consignment notes for excavated soils etc.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with saved Policy DC21 of the Portsmouth City Local Plan (2006).

### **Contamination Remediation Strategy**

4) No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

- i. A site investigation scheme, based on to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
- ii. The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- iii. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the written consent of the Local Planning Authority.

The scheme shall be implemented as approved.

Reason: To ensure that the risks to pollute controlled waters during construction of the proposed development in accordance with saved Policy DC21 of the Portsmouth City Local Plan (2006).

### **Verification report**

5) Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved

remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete in accordance with saved Policy DC21 of the Portsmouth City Local Plan (2006) and paragraph 174 of the National Planning Policy Framework (2021).

### **Previously unidentified contamination**

6) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority.

The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in accordance with saved Policy DC21 of the Portsmouth City Local Plan (2006) and paragraph 174 of the National Planning Policy Framework (2021).

### **Piling**

7) Piling and using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: Piling and using penetrative methods can result in risks to potable supplies from, for example, pollution/turbidity, risk of mobilising contamination, drilling through different aquifers, and creating preferential pathways. Groundwater is particularly sensitive in this location because the proposed development site is located upon a Secondary A aquifer. The condition ensures that the proposed piled foundations (referred to in section 10.1.1 of the Ground Investigation Report (February 2021)) do not harm groundwater resources in accordance with saved Policy DC21 of the Portsmouth City Local Plan (2006) and paragraph 174 of the National Planning Policy Framework (2021).

### **Drainage Strategy**

8) No development approved by this planning permission shall be commenced until details for the surface water drainage have been submitted to and approved in writing by the local planning authority. Such details should also address the following:

- Location of site drainage outlet:
- drainage feature at vehicular entrance to collect all run-off before it leaves the site.
- Provide operation or maintenance notes for the proposed silos or infrastructure. There should be in place a regime of inspection for all assets - AcoDrain / Interceptor / Washout facilities / silo emptying frequency etc e
- At construction phase the drainage network should be installed prior to surfacing in terms of concrete slabs, so as not to leave any 'trench' scarring which can lead to failure

The scheme shall be implemented as approved.

Reason: To prevent negative impact on the water quality of the harbour given the proposed site usage that involves concreting substances and chemicals. The site operator needs to be aware of where the drainage goes and in accordance with saved Policy DC21 of the Portsmouth City Local Plan (2006) paragraph 174 of the National Planning Policy Framework (2021).

### **Operating Hours**

- 8) The operation of the concrete batching plant hereby approved shall not carry out beyond the hours of 07:00hrs and 23:00hrs daily.

Reason: In the interests of residential amenity having regard to the proximity to residential accommodation in accordance with the aims and objectives of the National Planning Policy Framework (2019) and Policy PCS23 of the Portsmouth Plan (2012).

### **INFORMATIVES**

1. Requirement for an environmental permit - The concrete batching plant associated with this development will require an environmental permit from the Environment Agency under the Environmental Permitting (England & Wales) Regulations 2016, unless an exemption applies. The Applicant is advised to contact the National Customer Contact Centre on 03708 506 506 (Monday to Friday 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk for further advice and to discuss the issues likely to be raised. The Environment Agency recommend contact is made at the earliest opportunity.

Additional 'Environmental Permitting Guidance' can be found at:

<https://www.gov.uk/environmental-permit-check-if-you-need-one>. Please note that the need for an environmental permit is separate to the need for planning permission. The granting of planning permission does not necessarily lead to the granting of a permit.

2. Pollution prevention - All precautions must be taken to avoid discharges and spills to the ground both during and after construction. Guidance on pollution prevention for businesses can be found on the gov.uk website here – <https://www.gov.uk/guidance/pollution-prevention-for-businesses>. In the event of a pollution incident, all works should cease immediately and the Environment Agency should be contacted via our incident hotline 0800 80 70 60 (24- hour service).
3. The applicant is advised to sign up to the Environment Agency's Flood Warning Service to ensure adequate warning before any type of extreme flood event.
4. The applicant is advised that any works within the Marine area require a licence from the Marine Management Organisation. It is down to the applicant themselves to take the necessary steps to ascertain whether their works will fall below the Mean High Water Springs mark.

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# Agenda Item 6

22/00964/FUL

WARD:COSHAM

**MCDONALDS RESTAURANT PORTSMOUTH ROAD PORTSMOUTH PO6 2SW**

**EXTERNAL ALTERATIONS TO INCLUDE EXTENSION OF DINING AREA AND INSTALLATION OF 'FAST FORWARD' BOOTH; EXTENSION TO ROOF LINE; REPLACEMENT GLAZING, CLADDING AND NEW ACCESS DOOR; RECONFIGURATION OF DRIVE-THRU LANE, PATIO, KERB LINES AND PARKING BAYS; RELOCATION AND EXTENSION OF CYCLE RACKS, AND ASSOCIATED WORKS**

**Application Submitted By:**

Mrs Sarah Carpenter  
Planware Limited

**On behalf of:**

Other .  
McDonald's Restaurants Limited

**RDD:** 1st July 2022

**LDD:** 29th August 2022

<https://publicaccess.portsmouth.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=READKCMOKO700>

## **1.0 SUMMARY OF MAIN ISSUES**

1.1 This application is brought before Planning Committee due to three objections from local residents.

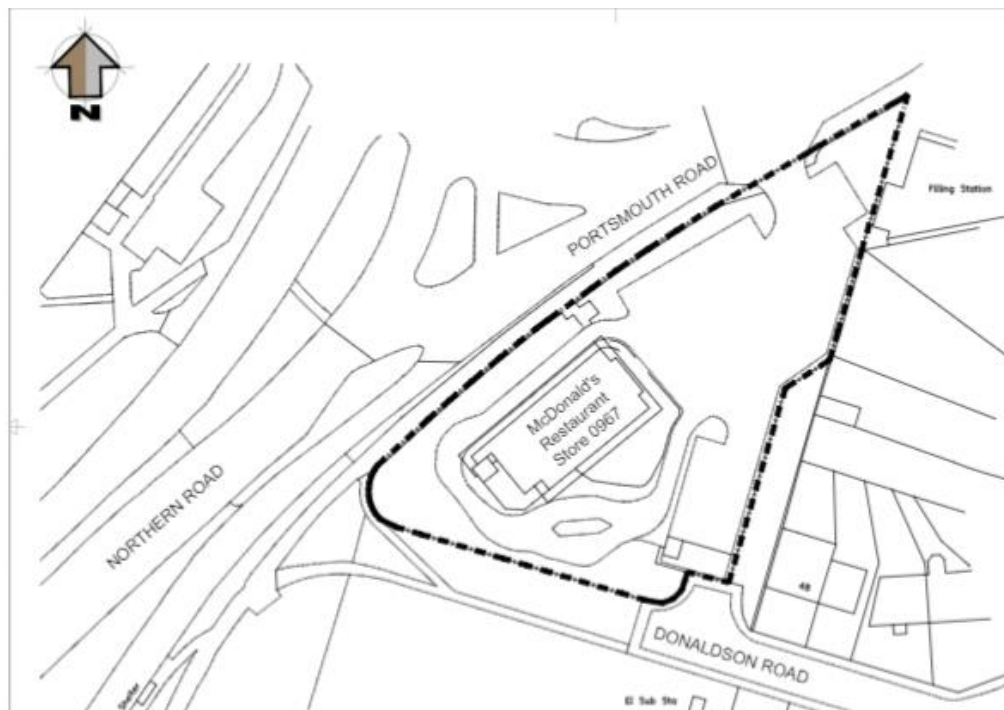
1.2 The determining issue for the application is whether this is sustainable development, having regard to

- whether the proposal would be acceptable in design terms,
- highway implications,
- the amenity of adjoining occupiers.
- Contaminated Land Issues

1.3 Members should note that a concurrent application for Advertisement Consent has been submitted, for alterations of the internally illuminated signage around the building. This is a subject of a separate application and is not under consideration today.

## **2.0 SITE AND SURROUNDINGS**

2.1 The application site covers 0.33ha. It is a triangular shaped parcel of land, with an existing restaurant/takeaway with drive through facilities and car park. It is separated from the highway with grass verges and low hedges. There are high fences separating the site from houses to the East on Donaldson Road. The access to the highway is to the North of the site onto Portsmouth Road.



2.2 The site is located near the large Portsbridge Roundabout and flyover, which is a main route onto Portsea Island. The immediate area is characterised by larger commercial plots such as a public house and petrol station to the North, a park and open space to West and South, and is predominantly residential to the East.



2.3 The closest residential property is located around 30 metres to the East of the existing restaurant - no. 48 Donaldson Road is sideways on to the site. Other Donaldson Road houses back on to the application site.

### **3.0 PROPOSAL**

3.1 Planning permission is sought for various external alterations including, principally:

- \* the extension of the dining area;
- \* an extension of the roofline;
- \* the installation of a 'fast forward' booth and lane;
- \* cladding and glazing alterations.

#### **Extensions:**

The building would have two extensions of limited depth to the dining area, 0.75m to the north-east and around 1m to south-east elevations, shaded in green on the plans below. While they extend the footprint of the building slightly (by around 34sqm), concurrent internal reconfiguration of the dining area and back-of-house areas reduces the total public dining space, from approximately 110sqm currently, to a proposed 93sqm.

#### **Roofline:**

The roofline is largely the same as existing but extends the roof over the proposed extensions. The roof form remains a shallow mansard with canopies/overhang and the proposed alterations do not change the overall appearance of the building.

#### **'Fast forward' booth and lane:**

The proposal seeks to reconfigure the layout of the site by altering the drive through lane and parking spaces with associated works to the kerbs, patio area and verges, also relocating cycle parking. The principal element to assist in car movement through the site is the addition of the new passing lane, to reduce the occurrence of blockages, with corresponding minor extension to the building on the north-west elevation (approximately 0.75m by 9m).

#### **Cladding and glazing alterations:**

The proposal is to be finished externally with dark grey aluminium cladding, existing soffits and fascia are to be replaced and finished in dark green and the shopfront is to be glazing to match the existing with some new decals on the Western elevation.

#### **Loss of Tree:**

An unprotected tree is to be removed to facilitate the new lane. A replacement tree elsewhere on site can be secured through a condition requiring the location, type and size to be agreed and planted in the next planting season.

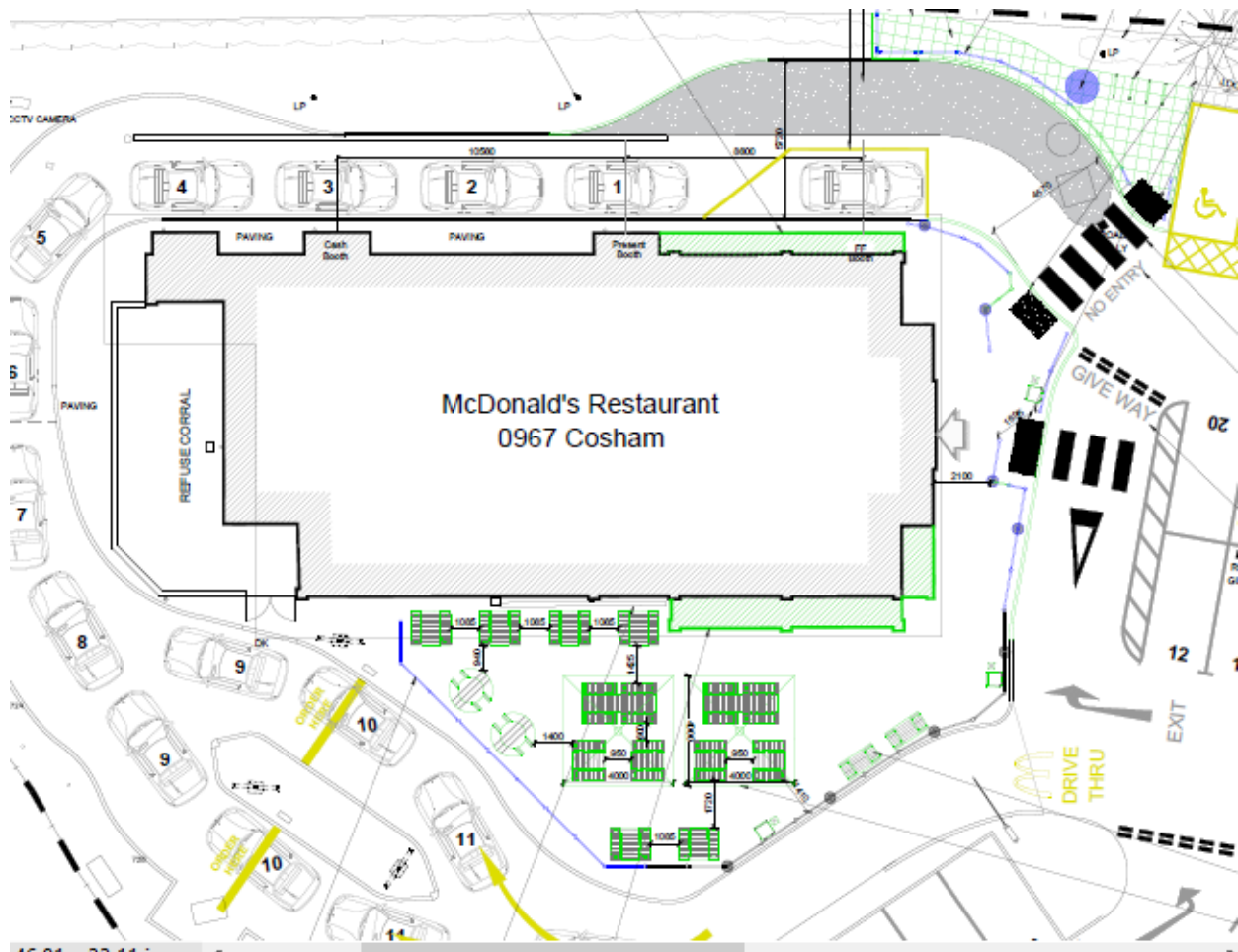


Figure 1: Proposed Site Plan

#### 4.0 PLANNING HISTORY

4.1 The original McDonald's building was granted permission at appeal in 1998 (ref: A\*30888/AG) and various alterations such as extension of the drive through and reconfiguration have been granted permission since. The opening hours of 7:00-23:00 are controlled through a condition as are the delivery times of 10:00-20:00. These times are not proposed to change as part of this application.

#### 5.0 POLICY CONTEXT

5.1 The relevant policies within The Portsmouth Plan would include: PCS17 (Transport), PCS23 (Design and Conservation), and saved policy DC21 (site contamination) of the Portsmouth City Local Plan.

5.2 The revised National Planning Policy Framework (July 2021) and the following relevant Supplementary Planning Documents would also be material to this application:

- The Parking Standards and Transport Assessments SPD

#### 6.0 CONSULTATIONS

6.1 Highways Engineer - no objection.

"Given the small scale of the development, I am satisfied that the proposal would not have a material impact on the local highway network with any extended queuing likely to be retained within the application site.

Whilst the application relocates the existing 4 cycle spaces to the north of the site, the submitted plans only identify 3 relocated spaces and the additional cycle space should be provided. Whilst the application proposes the reduction in parking by one space, I am satisfied that this is intended to better meet the existing demand rather than be likely to attract significant additional parking demand beyond which is already associated with the current use. In light of the above, subject to the additional cycle space provide\*, I would not wish to raise an objection on highway grounds."

\* Members will note from the proposed plans that the 4 required cycle parking spaces have since been supplied.

## 6.2 Contaminated Land Team

CLT note previous land uses that may include petroleum tanks and landfill and therefore request extensive conditions. The applicant submitted revised drawings to minimise the need for these conditions but CLT are not satisfied that the amendments to the scheme reduce the risk and therefore their position is unchanged.

## 7.0 REPRESENTATIONS

7.1 Three objection comments have been received which can be summarised as:

- That there is too much noise and light from customers with cars
- That the restaurant is too busy due to delivery drivers and not enough space for customers
- This will increase footfall and therefore more traffic will affect the highway
- Increased air pollution due to drive through
- Light pollution due to adverts (subject of separate application)

7.2 One general support comment was received.

## 8.0 COMMENT

8.1 The determining issue for the application is whether this is sustainable development, having regard to

- whether the proposal would be acceptable in design terms,
- highway implications,
- the amenity of adjoining occupiers.
- Contaminated Land Issues

### Design

8.2 There is no real design language in the immediate area as it mostly characterised by larger commercial units typical to this type of area. The design of the alterations to the building itself are considered to be minor in nature and in keeping with the existing building. It is considered that the use of materials similar to that of the existing is acceptable and the reconfiguration of the external layout, while losing some of the space between the building and boundary to accommodate the new passing lane but is not visually harmful.

### Highways

8.3 Highways do not object to the scheme as they do not consider that the alterations are likely to cause any highways implications. The proposed fast forward extra lane is designed to reduce the likelihood of on-site congestion, to the benefit of local air quality, and possibly local highway conditions.

## Amenity

8.4 While the concerns around the effect on the nearby houses through increased levels of usage of the drive anticipated by some neighbours through are noted, this scheme is not considered likely to result in a perceivable material increase in intensity of use. In fact, through the installation of features to allow customers to pass each other instead of waiting for longer and the improved facilities, it is likely that customers will spend less time at the site and therefore there is more likely to be a positive impact.

8.5 There is no proposed change to hours of operation or delivery times etc. so there is to be no material change to those issues.

8.6 The minor alteration to the roof would have no material effect on local character or residential amenity, and the cladding and glazing alterations are also limited and acceptable in effect. The positioning and levels of luminance of the altered advertisements is to be considered separately to this application.

## Other Matters

### Community Infrastructure Levy (CIL)

8.7 The development is not considered to be CIL liable as the increase in internal floor space does not equate to more than 100msq.

### Human Rights and the Public Sector Equality Duty ("PSED")

8.8 The Council is required by the Human Rights Act 1998 to act in a way that is compatible with the European Convention on Human Rights. Virtually all planning applications engage the right to the enjoyment of property and the right to a fair hearing. Indeed, many applications engage the right to respect for private and family life where residential property is affected. Other convention rights may also be engaged. It is important to note that many convention rights are qualified rights, meaning that they are not absolute rights and must be balanced against competing interests as permitted by law. This report seeks such a balance.

8.9 Under section 149 of the Equality Act 2010, the Council must have due regard to the need to eliminate discrimination, harassment, or victimisation of persons by reason of their protected characteristics. Further the Council must advance equality of opportunity and foster good relation between those who share a relevant protected characteristic and those who do not. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Having had due regard to the public sector equality duty as it applies to those with protected characteristics in the context of this application, it is not considered that the officer's recommendation would breach the Council's obligations under the Equality Act 2010

## **9.0 CONCLUSIONS**

9.1 Having regard to all material planning considerations including consultation responses it is concluded that the proposal represents sustainable development, in accordance with the relevant policies of the Portsmouth Plan (2012) and the aims and objectives of the National Planning Policy Framework (NPPF) (2021) and therefore it is recommended that permission be granted subject to the following conditions:

## **Conditions/reasons for the conditions are:**

### **Time limit**

1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

### **Approved plans**

2) Unless otherwise agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers:

P21-50-0967-06-C  
P21-50-0967-300-D  
P21-50-0967-03-C  
P21-50-0967-05-B

Reason: To ensure the development is implemented in accordance with the permission granted.

### **Site contamination/remediation**

3) (i) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority (or within such extended period as may be agreed with the Local Planning Authority) the following in sequential order:

a) A desk study (undertaken following best practice including BS10175:2011+A2:2017 'Investigation of Potentially Contaminated Sites Code of Practice') documenting all the previous and current land uses of the site. The report shall contain a conceptual model (diagram, plan, and network diagram) showing the potential contaminant linkages (including consideration of asbestos), including proposals for site investigation if required with the sampling rationale for all proposed sample locations and depths being shown in the conceptual model (Phase 1 report).

b) A Phase 2 site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the conceptual model in the desk study (to be undertaken in accordance with BS10175:2011+A2:2017 and BS8576:2013 'Guidance on investigations for ground gas - Permanent gases and volatile organic compounds (VOCs)'). The report shall refine the conceptual model of the site and confirm either that the site is currently suitable for the proposed end-use or can be made so by remediation (Phase 2' report).

c) A remediation method statement report detailing the remedial scheme and measures to be undertaken to avoid risk from contaminants and/or gases when the development hereby authorised is completed, including proposals for future maintenance and monitoring, as necessary (Phase 3 report). If identified risks relate to bulk gases, this will require the submission of the design report, installation brief, and validation plan as detailed in BS8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings and have consideration of CIRIA 735 Good practice on the testing and verification of protection systems for buildings against hazardous ground gases. The remedial options appraisal shall have due consideration of sustainability as detailed in ISO 18504:2017 Soil quality — Sustainable remediation. It shall include the nomination of a competent person

to oversee the implementation of the remedial scheme and detail how the remedial measures will be verified on completion.

Prior to Occupation

(ii) The development hereby permitted shall not be first occupied/brought into use until there has been submitted to, and approved in writing by, the Local Planning Authority a stand-alone verification report by the competent person approved pursuant to condition (i)c above. The report shall demonstrate that the remedial scheme has been implemented fully in accordance with the remediation method statement. For the verification of gas protection schemes the applicant should follow the agreed validation plan.

Thereafter the remedial scheme shall be maintained in accordance with the details approved under conditions (i)c.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with saved Policy DC21 of the Portsmouth City Local Plan (2006).

### **Tree Replacement**

4) The tree removed as part of the scheme shall be replaced with an appropriate specimen to be agreed in writing with the Local Authority, in a location elsewhere on the site to be agreed in writing with the Local Authority within the first planting season after the felling of the existing tree.

Reason: In the interests of visual amenity in line with PCS23 of the Portsmouth Plan (2012) and to prevent the net loss of green infrastructure in line with Policy PCS13 of the Portsmouth Plan (2012).



# Agenda Item 7

21/01540/HOU

WARD:EASTNEY & CRANESWATER

17 CRANESWATER PARK SOUTHSEA PO4 0NX

CONSTRUCTION OF 2 STOREY FRONT EXTENSION, PART SINGLE/PART 2 STOREY REAR EXTENSION AND ROOF ALTERATIONS INCLUDING RAISING THE RIDGE HEIGHT

WEBLINK:

[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?ACTIVETAB=DOCUMENTS&KEYVAL=R19QYNMOMXW00](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=R19QYNMOMXW00)

**Application Submitted By:**

PLC Architects

FAO Jason Bonner

**On behalf of:**

Rex

**RDD:** 20th October 2021

**LDD:** 4th January 2022

## 1.0 SUMMARY OF MAIN ISSUES

1.1 The application is presented to the Planning Committee due to the receipt of 3 objections.

1.2 The main considerations within this application are:

- Design
- Impact on Conservation Area
- Impact upon residential amenity

### 1.3 Site and Surroundings

1.4 The application site is located on the southern side of 'the circle' of Craneswater Park and is occupied by a 4-bed, 2 storey dwelling that is set back from the highway by a front driveway. The host dwelling largely takes the form of a chalet style bungalow but incorporates a modest 2-storey element projecting towards the road and at the rear. The dwelling is finished with white render at first floor level over face brickwork at ground floor level, red clay roof tiles and white upvc window units. Most of the garden area is laid to grass apart from a modest patio area immediately at the rear of the property and an unplanted strip of land along the western boundary (where the garden boundary between no.21 Craneswater Park and the application site has been moved westwards, but no material change of use has occurred as a result). Trees within adjacent plots to the east and south are adjacent the application site boundaries. None are the subject of TPO's but are within the defined conservation area.

1.5 To the west lies brick faced, 4 storey semi-detached buildings known as nos.19 and 21 Craneswater Park (each divided horizontally into 4 flats, one per floor). To the east is no.15, a detached dwellinghouse (permitted in 1949 and benefitting from further rear extensions permitted in 1986 and 2016), which is single level when viewed from the northern elevation but full two storey on its southern elevation. To the north, on the opposite side of the road is Southview, 2-3 Craneswater Park, a 5 storey building inclusive of basement and roof space, accommodating 5 flats.

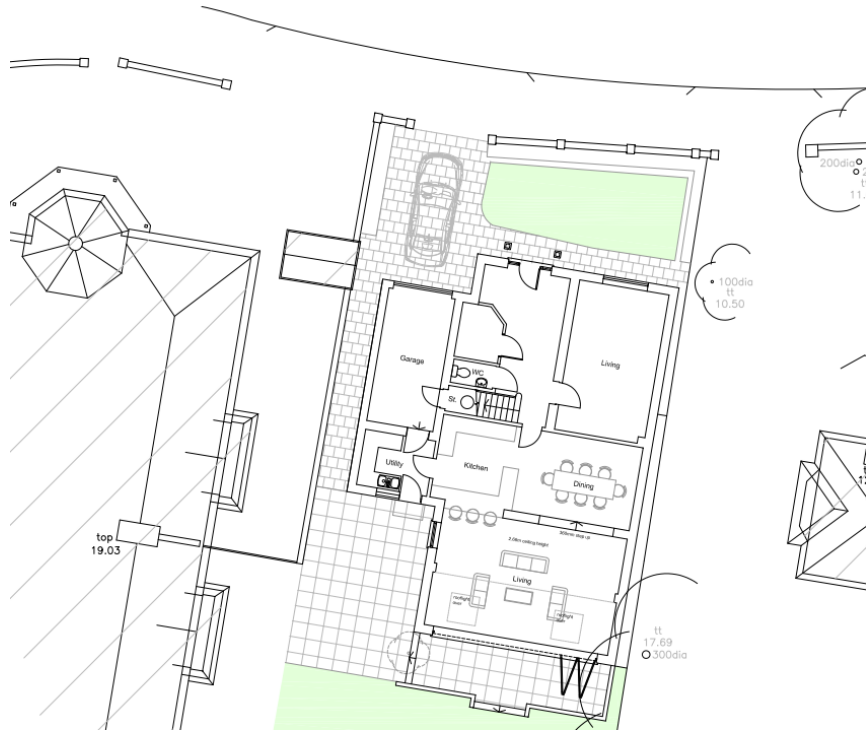
- 1.6 The site lies within the Craneswater & Eastern Parade Conservation Area (No. 29). The surrounding area is characterised by large residential buildings set within spacious curtilages, generally constructed with red-facing brickwork and clay roof tiles. Many are from the late Victorian, Edwardian and inter-war periods, a number of which have been converted into flats.



**Figure 1 - Existing elevations and street scene**

### 1.7 Proposal

- 1.8 The application seeks planning permission for the construction of a 2 storey front extension, part single/part 2 storey rear extension and roof alterations including raising of the ridge height on the eastern side of the roof by 1.1m. The drawings also demonstrate the roof of the front dormer being altered from a pitched roof to a flat roof.
- 1.9 The external roofing materials would be a red tile and white painted render to all elevations, apart from the ground floor of the front elevation which would retain the existing brick facework and soldier course detail. The window frames would be in medium grey UPVC and the aluminium front doors would be finished in a darker anthracite grey with a lighter grey aluminium door canopy.
- 1.10 Whilst the proposal would result in the substantial removal of some of the existing building in order to extend and remodel it is not considered to amount to entire demolition to provide a replacement dwelling.



**Figure 2 - Proposed Site Plan**



**Figure 3 - Street scene showing proposal (above) and permitted front extension 21/00553/HOU (below)**

**1.11 Relevant Planning History**

1.12 The existing property was permitted in 1998 (A\*14289/AE), prior to the designation of the conservation area in 2005. Since 2019 the relevant planning history relating to proposed extensions or a replacement dwelling at the site has been fairly extensive.

1.13 Planning permission granted:

20/00552/HOU - Construction of a part single, part two storey rear extension - conditional permission 19/2/21

20/00553/HOU - Construction of a two storey front extension - conditional permission  
19/2/21

1.14 Refusals in chronological order:

19/01073/FUL - Proposed construction of 2.5 storey, 4-bedroom detached dwelling following demolition of existing dwelling - Refused 4/2/20 due to adverse impact on occupiers of neighbouring first floor flat within 19 Craneswater Park. Subsequent appeal dismissed.

20/00740/HOU - Construction of 2 storey front extension, part single/part 2 storey rear extension and roof alterations including raising the ridge height - Refused 12/3/21 due to adverse impact on occupiers of neighbouring first floor flat within 19 Craneswater Park. Subsequent appeal dismissed.

20/00741/HOU - Construction of 2 storey front extension, part single/part 2 storey rear extension, external cladding, and roof alterations to create a flat roofed building - Refused 12/3/21 due to inappropriate design and impact on conservation area and the adverse impact on occupiers of neighbouring first floor flat within 19 Craneswater Park. No appeal lodged.

20/01452/HOU - Construction of 2 storey front extension, part single/part 2 storey rear extension and roof alterations including raising the ridge height - Refused 2/6/21 due to the adverse impact on occupiers of neighbouring first floor flat within 19 Craneswater Park. Subsequent appeal dismissed.

22/00206/FUL - Construction of three storey dwelling over basement (following demolition of existing dwelling) - Refused 7/9/22 due to due to inappropriate design and impact on conservation area and the adverse impact on occupiers of neighbouring first floor flat within 19 Craneswater Park. No appeal lodged to date.

1.15 All refusals have had a common theme in that the scale and proximity of the proposed development would have a detrimental impact on the residential amenity of the occupiers of the neighbouring first floor flat to the west within 19 Craneswater Park. Each proposal would appear overbearing and unneighbourly from the 2 west facing bedroom windows of this flat, and would result in a notable loss of outlook and the creation of a strong sense of enclosure significantly compromising the amenity enjoyed by the occupiers of these rooms. This view has been supported by the Planning Inspector in each of the appeals. In addition, 2 schemes were also considered inappropriate on design grounds; these applications have not been appealed against to date.

1.16 With respect to the planning history relating to the development to the west of the site, the following permissions are pertinent:  
19 Craneswater Park: A\*14289/AF - Conversion to form four flats with associated parking and landscaping - Conditional permission dated 10/7/98  
21 Craneswater Park: B\*14289/AB - Conversion to form four flats; provision of on-site parking; and construction of cycle store to rear - Conditional permission dated 20/12/01

## **2.0 POLICY CONTEXT**

2.1 The relevant policies within the Portsmouth Plan (2012) would include:  
PCS23 (Design and Conservation)

2.2 In accordance with the National Planning Policy Framework (NPPF) July 2021 due weight has been given to the relevant policies in the above plan.

## **3.0 CONSULTATIONS**

3.1 None

## **4.0 REPRESENTATIONS**

4.1 Three objections were received and can be summarised as follows:

- a) fundamentally the plans have not changed from other planning applications put forward on the site.
- b) adverse impact on conservation area.
- c) detrimental impact on neighbouring properties in terms of overshadowing, overbearingness, nuisance, loss of privacy, loss of light, loss of view (including flats to the north).
- d) removal of boundary fence/land grab of basement flat garden of 21 Craneswater Park.
- e) understood that the height of the existing building could not be increased.
- f) demolition/construction period would be disruptive and cause parking chaos.
- g) application lacks detail (such as 3D visuals)/disagree with content of Design, Access and Heritage Statement.

4.2 Officer notes:

- With respect to the alleged land grab, the application is supported by an ownership certificate that acknowledges 21 Craneswater Park (Freehold) Ltd as 'owner' of part of the application site. The boundary is a private matter as no material change of use would occur and the height of the proposed wall would be within permitted development allowances.
- Much of one of the objection letters relates to previous applications.

## **5.0 COMMENT**

5.1 Design

5.2 There are no site specific land use policies that would seek to prevent extensions to an existing dwelling in the area, subject to the proposal being acceptable in all other regards.

5.3 Policy PCS23 of the Portsmouth Plan echoes the principles of good design set out within the National Planning Policy Framework which requires that all new development: will be of an excellent architectural quality; will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; will establish a strong sense of place; will respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; relates well to the geography and history of Portsmouth and protects and enhances the city's historic townscape and its cultural and national heritage; and is visually attractive as a result of good architecture and appropriate landscaping.

5.4 The application seeks a comprehensive re-modelling of the existing building on its eastern side whilst still maintaining something of the traditional form of typical properties in this area. The footprint of the proposed front and rear additions would be the same as that permitted under 20/00552/HOU and 20/00553/HOU in February 2021, however in those cases it would have resulted in a dual pitch with valley at the rear and an element of flat roof at the front in order to maintain the height of the existing building. The current proposal seeks to alter the roofline on the eastern side of the building to link the proposed front and rear extensions under a single pitched roof, but in doing so increases the ridge height by 1.1m. The western section of the building would remain as is, apart from re-roofing with a material to match that on the new section to the east and alterations to the design of the roof of the existing front dormer.

5.5 It is considered that the increased height on the eastern side of the building is acceptable in both its relationship with the neighbouring property to the east and also the wider street scene.

- 5.6 The submitted Design, Access and Heritage Statement states that *'Most properties are red brick faced with red clay tile roof; some also include stone detailing, stucco or render work. The materiality of the subject property also reflects this palette and, although of relatively recent construction, includes traditional detailing and materials.'* The proposal seeks to use a similar palette of materials of render and brick but alter the proportion of use with render being the predominant facing material with brick facework at ground floor level on only the front elevation. The proposed roofing material is a red tile. A red clay tile would be acceptable and in-keeping with the conservation area, however a condition is recommended seeking specific details and samples to secure an appropriate traditional red clay roofing tile. The grey finish to fenestration is a departure from the typical white finish of surrounding development but RAL 7040 (window grey) is not considered a significant or harmful contrast in the context of the area.
- 5.7 Impact on Conservation Area
- 5.8 The Council has a duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. The NPPF considers, inter alia, whether a development would cause harm to the heritage asset.
- 5.9 The significance of the conservation area derives, in part, from the area being mainly residential with a mixture of houses and flats, most of which are built with red brick and render with red clay roofs. The form of the pitched roof alterations and proposed external materials are considered to result in an extended building that would sit relatively comfortably within the context of the area and would preserve the character and appearance of the conservation area (and so not cause harm as per NPPF) and not harm its significance.
- 5.10 Impact on Residential Amenity
- 5.11 Policy PCS23 of the Portsmouth Plan states that new development proposals should ensure the "protection of amenity and the provision of a good standard of living environment for neighbouring and local occupiers as well as future residents and users of the development".
- 5.12 The previously refused applications and dismissed appeals on this site that raised concern about the impact of proposals on residential amenity were primarily concerned about the impact on the east-facing windows of the first floor flat of the adjacent building known as 19 Craneswater Park. The flat in question incorporates 2 bedrooms that are served by large windows within the east-facing side elevation of the building, which provide views beyond the opposing side elevation of 17 Craneswater Park. One bedroom is served by the bay window and the other is served by the window to the north of the bathroom window. The low level eaves to the front of the application property and the positioning of the current rear building line ensure that the bedrooms windows are afforded outlook beyond the application building. Currently, this provides a reasonable degree of light and outlook which mitigates the proximity of 17 Craneswater Park.
- 5.13 Whilst previous schemes sought to alter the western side of no.17 Craneswater Park (increasing its height and bulk), thereby compromising the residential amenity of the adjacent building, the current scheme would retain the western side of the building as is (apart from the replacement of the pitched roof to the forward dormer, with a flat roof). The footprint, two storey nature and window placement of the proposed front and rear extensions have already been considered acceptable in their relationship with surrounding development including no.19, under permissions 20/00552/HOU and 20/00553/HOU and this still remains the case. The additional height and massing as a result of the proposed roof design is not considered to result in loss of light or outlook to no.19 Craneswater Park, or indeed any other surrounding development, to such an extent so as to justify refusal. There would be no loss of privacy to neighbours.

5.14 Lastly, remaining points of neighbour objection relate to an assumption that the demolition/construction period would be disruptive and cause parking chaos. The builder would need to take the usual care with respect to these matters, with regulatory regimes other than Town Planning being used to resolve any difficulties. One comment also considers the application lacks detail (such as 3D visuals) and disagrees with the content of the Design, Access and Heritage Statement. The Planning Officer is satisfied with the adequacy of the submission.

#### 5.15 CIL

Portsmouth City Council introduced its Community Infrastructure Levy (CIL) charging schedule in April 2012 with a basic CIL rate of £105/sqm. The CIL regulations require indexation to be applied to this rate annually using the RICS CIL Index and the 2022 basic rate is £156.32/sqm. Most new development which creates over 99sqm of gross internal area or creates a new dwelling is potentially liable for the levy. However, exclusions, exemptions and reliefs from the levy may be available. The proposed additional floorspace would be 68m<sup>2</sup> and as such CIL is unlikely to be applicable.

#### 5.16 Human Rights

The Council is required by the Human Rights Act 1998 to act in a way that is compatible with the European Convention on Human Rights. Virtually all planning applications engage the right to the enjoyment of property and the right to a fair hearing. Indeed, many applications engage the right to respect for private and family life where residential property is affected. Other convention rights may also be engaged. It is important to note that many convention rights are qualified rights, meaning that they are not absolute rights and must be balanced against competing interests as permitted by law. This report seeks such a balance.

#### 5.17 Equality Act

Under section 149 of the Equality Act 2010, the Council must have due regard to the need to eliminate discrimination, harassment, or victimisation of persons by reason of their protected characteristics. Further the Council must advance equality of opportunity and foster good relation between those who share a relevant protected characteristic and those who don't. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Having had due regard to the public sector equality duty as it applies to those with protected characteristics in the context of this application, it is not considered that the officer's recommendation would breach the Council's obligations under the Equality Act 2010.

#### 5.18 Conclusion

5.19 The proposed development is considered acceptable in overall design terms and in its relationship with surrounding development. It is also considered to preserve the character and appearance of the Eastney and Craneswater Conservation Area. As such the proposal accords with policy PCS23 of the Portsmouth Plan and the aims and objectives of the National Planning Policy Framework (July 2021).

## **RECOMMENDATION**

## **Conditional Permission**

### **Conditions**

#### **Time Limits**

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

#### **Approved Plans**

- 2) Unless otherwise agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Location Plan and Proposed Block Plan 18.3058.204 Revision P1, Proposed Site Plan 18.3058.202 Revision P1, Proposed Elevations 18.3058.201 Revision P5, Proposed Floor Plans 18.3058.200 Revision P4, Proposed Street Context 18.5058.203 Revision P4.  
Reason: To ensure the development is implemented in accordance with the permission granted.

#### **Materials**

- 3) Prior to the commencement of development, details and samples of a proposed red clay roof tile to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. Only such approved materials shall be used to clad the roof.  
Reason: In the interests of visual amenity and to preserve the character and appearance of the Eastney and Craneswater conservation area in accordance with policy PCS23 of the Portsmouth Plan.

### **PRO-ACTIVITY STATEMENT**

In accordance with the National Planning Policy Framework the City Council has worked positively and pro-actively with the applicant through the application process, and with the submission of amendments an acceptable proposal has been achieved.



# Agenda Item 8

22/00487/FUL

WARD: COSHAM

LAKESIDE BUSINESS PARK, WESTERN ROAD, PORTSMOUTH CITY OF PORTSMOUTH

INSTALLATION OF SOLAR POWER CANOPY STRUCTURES OVER EXISTING CAR PARK BAYS AND ROOF MOUNTED SOLAR PANELS TO BUILDINGS 1000, 2000, 3000, 4000, AND 5000. RE-CONFIGURATION OF MAIN NORTH CAR PARK TO PROVIDE ADDITIONAL PARKING BAYS.

LINK TO DOCUMENTS:

[22/00487/FUL | INSTALLATION OF SOLAR POWER CANOPY STRUCTURES OVER EXISTING CAR PARK BAYS AND ROOF MOUNTED SOLAR PANELS TO BUILDINGS 1000, 2000, 3000, 4000, AND 5000. RE-CONFIGURATION OF MAIN NORTH CAR PARK TO PROVIDE ADDITIONAL PARKING BAYS. | LAKESIDE BUSINESS PARK WESTERN ROAD PORTSMOUTH CITY OF PORTSMOUTH PO6 3EN](#)

**Application Submitted By:**

Tetra Tech - Southampton

**On behalf of:**

Portsmouth City Council Custom Solar

**RDD:** 11th April 2022

**LDD:** 5th August 2022

Site Notice displayed 24<sup>th</sup> July 2022

## 1 SUMMARY OF MAIN ISSUES

1.1 This application is brought to the Planning Committee for determination as Portsmouth City Council are the landowner, and due to the size of the development/site.

1.2 The main issues for consideration in the determination of the application are as follows:

- The design of the proposal and its impact on the character of the area
- Impact on the amenity of neighbouring residents
- Highways and parking
- Environmental considerations

## 2. Site and Surroundings

2.1 The application site relates to Lakeside North Harbour, which is situated at Western Road. The Harbour is located on 130 acres of landscaped ground and contains rentable office spaces that are utilised by in excess of 50 individual companies.

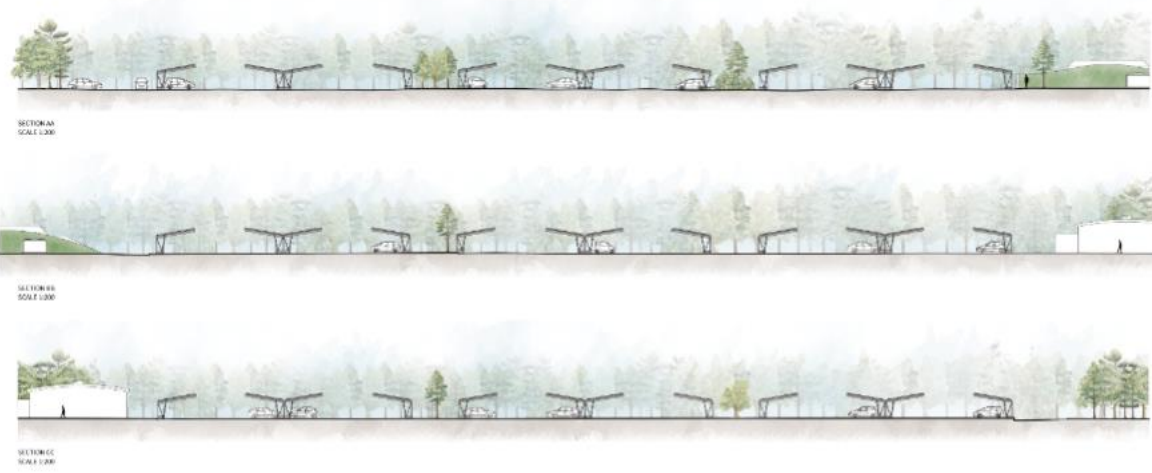
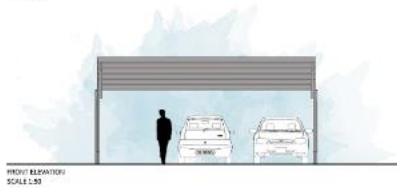
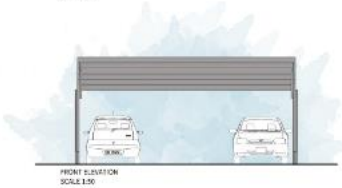
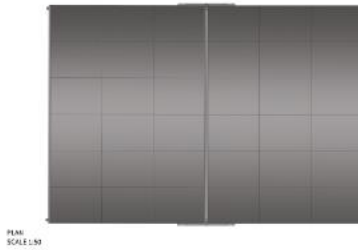
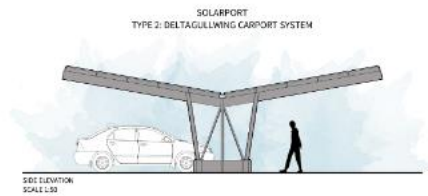
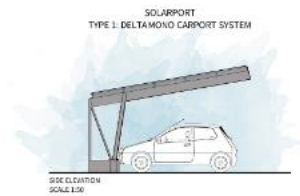
2.2 The site boundaries are formed by existing hedgerows and trees with a lake to the south of the site, on the border with the M27. The site is designated as being 300m from significant nature conservation designations (see later in report) ~~within a SSSI~~ and within Flood Zone 1 (the lowest risk area).

2.3 Lakeside North Harbour is accessible from the A27 and is bound by the M275 (west), M27 (south) and A27 Havant-Fareham bypass (north). The site is situated 10km from Solent Airport, 30km from Southampton Airport and 2km from Queen Alexander Hospital.



### 3. Development Proposal

- 3.1 This application seeks planning permission for the installation of solar power canopy structures over existing car park bays, and roof-mounted solar panels on the rooftops of five existing commercial buildings (1000, 2000, 3000, 4000, and 5000). The proposal would also involve the re-configuration of the main North car park to provide 94 additional parking bays. The additional bays would be created by utilising existing landscaped areas around the site.
- 3.2 The development would involve the installation of 1858 PV (photo-voltaic) panels totalling 840.6 kWp across the rooftop of the Lakeside North Harbour building (which will not be readily visible from ground level) and an additional installation of 11,170 panels totalling 5,026.5 kWp which are to be secured to new car parking canopies which are to form solar carports.
- 3.3 The car park PV systems comprise of PV panels which are to be fixed on single and dual direction flat roof mounting systems, with a panel orientation of 59 degrees from the horizontal. The panels are to be fitted with low-reflectivity glass to ensure maximum carbon saving/renewable energy generation.
- 3.4 There are two types of carport systems both of which are to be affixed to concrete plinths. The Deltamono Carport System and the DeltaGullwing Carport System, both would have a maximum height of 4.5m, with a width of 7.5m and depth of 3.5m. The main body of car parking lies across the northern half of the Lakeside site.



4. Planning History

- 4.1 Various planning applications in the past, including the principal development consent: 08/02342/OUT - Outline application for 69,030sqm of gross external floorspace for Class B1(a) offices and 21,140sqm of other development (all gross external) to include: shops (Class A1) up to 1160sqm, restaurants/cafes (Class A3) up to 680sqm, 150-bedroom hotel and 40-suite aparthotel (Class C1) up to 6500sqm & 3000sqm respectively, private hospital (Class C2) up to 7000sqm and car dealership (mixed use for car display/sales showroom and servicing/repair workshop) up to 2800sqm, with access roads/footways, landscaping and associated plant (the principles of access and layout to be considered) - Conditional Outline Granted

## 5 POLICY CONTEXT

The relevant policies within would include:

- PCS5 (Lakeside Business Park)
- PCS12 (Flood Risk)
- PCS13 (A Greener Portsmouth)
- PCS17 (Transport)
- PCS23 (Design and Conservation)

### Other Guidance

- The National Planning Policy Framework (2021).

## 6. CONSULTATIONS

### 6.1 Contaminated Land Team

No objection raised, subject to conditions.

### 6.2 Ecology

No objection raised, subject to conditions securing the submission of an Ecological Management Plan and Construction Environment Management Plan.

### 6.3 Regulatory Services

No comments or objections to raise

### 6.4 Natural England

No objection

### 6.5 Highways Engineer

No objection raised.

## 7. REPRESENTATIONS

7.1 None received.

7.2 Application Publicity:

7.3 It has transpired that the necessary Press Notice for this Major-Category application was not published. That has now been arranged and at the time of writing, the notice is expected to expire on 28<sup>th</sup> October 2022. The application should not be determined until the following working day, Monday 31<sup>st</sup> October. This matter is addressed in the Resolution at the end of this report.

## 8. Planning Assessment

### The design of the proposal and its impact on the character of the area

8.1 The proposal site known as Lakeside Business Park, is allocated as an office campus providing 69,000 m<sup>2</sup> of B1a office floorspace being Local Plan Policy PCS5. Policy PCS23 of the Portsmouth Plan requires new development to be well designed and appropriate in terms of scale, layout and appearance in relation to the context in which it is set.

- 8.2 The proposed panels will be installed in two forms of location, Roof top and solar parking canopies. The roof top array PV Solar would be positioned on the roof of the existing office complex. These are to be affixed to the roof using low pitch mounting fixtures, sitting 300mm above the roof surface at its highest point. The rooftop panels will not be readily visible from ground-level.
- 8.3 The Solar Parking Canopies, equating to a total of 11,170 panels fitted to new canopies. The proposed layout of the solar installation would be positioned within the main carpark. The panels are to be fitted with low-reflectivity glass to ensure maximum carbon saving/renewable energy generation, as well as minimising glare from further afield.
- 8.4 The development proposals would be of a functional and generic design which would satisfactorily integrate within the site's immediate and wider context. The proposal is acceptable from a design perspective.

#### Impact on the amenity of neighbouring residents

- 8.5 Policy PCS23 of the Portsmouth Plan requires new development to protect the amenity of neighbouring residents. The development proposal, by virtue of their siting, nature, form, height and degree of significant separation from adjoining neighbouring properties, is not considered to adversely impact upon the amenities of any residents by way of loss of light, loss of outlook or overbearing presence.

#### Highways and parking

- 8.6 The accompanying Planning Statement explains that the development proposal would involve the re-structuring of the existing car park, in order to allow for the provision of additional parking spaces. As the development would not result in a loss of parking spaces, no resultant increase in on street parking levels would occur. Additional parking is being provided by utilising existing small areas of vegetation between bays. Other alternative green spaces are being provided within the site.
- 8.7 The Council's Highways Consultant was consulted on the development proposal and has commented that the structures which support the panels, sited adjacent to the access road, should be set back a minimum of 300mm from the edge of carriageway in order to avoid the risk of collision with passing HGVs.
- 8.8 The Council's Highways Consultant's concluding comments confirmed that, the proposal itself is not likely to generate additional traffic movement beyond the construction period and subject to a condition being imposed, requiring the submission of a Construction Management Plan to be approved by the LPA prior to construction, he did not wish to raise an objection to this proposal.

#### Environmental considerations

- 8.9 This application is accompanied by an Extended Phase 1 Ecological Assessment, prepared by OMNI. The site is located approximately 300m from the highly designated Portsmouth Harbour Ramsar, Special Protection Area (SPA), Site of Special Scientific Interest (SSSI), and the Solent and Dorset Coast SPA.
- 8.10 The proposals for the site will only impact five of the buildings, car parking areas and tarmac pathways and the habitats immediately adjacent to these. Where present, these are largely grassland, introduced shrub, scattered trees and deciduous woodland.
- 8.11 The area around Lakeside Business Park has been reclaimed from tidal flats leading to potentially unknown ground conditions in the area. The proposals involve groundworks associated with installing the canopy structures. The Council's Contaminated Land Team

were consulted and have requested that conditions requiring a Method Statement and a watching brief informative are imposed in the event of any permission granted.

- 8.12 Natural England were consulted on the development proposal, commenting that the proposed development would have no likely significant effects on the Portsmouth Harbour SPA and Ramsar and has raised no objection to the proposed development.

#### Human Rights and the Public Sector Equality Duty ("PSED")

- 8.13 The Council is required by the Human Rights Act 1998 to act in a way that is compatible with the European Convention on Human Rights. Virtually all planning applications engage the right to the enjoyment of property and the right to a fair hearing. Indeed, many applications engage the right to respect for private and family life where residential property is affected. Other convention rights may also be engaged. It is important to note that many convention rights are qualified rights, meaning that they are not absolute rights and must be balanced against competing interests as permitted by law. This report seeks such a balance.

- 8.14 Under section 149 of the Equality Act 2010, the Council must have due regard to the need to eliminate discrimination, harassment, or victimisation of persons by reason of their protected characteristics. Further the Council must advance equality of opportunity and foster good relation between those who share a relevant protected characteristic and those who do not. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Having had due regard to the public sector equality duty as it applies to those with protected characteristics in the context of this application, it is not considered that the officer's recommendation would breach the Council's obligations under the Equality Act 2010.

#### 9. Conclusion

- 9.1 The development proposal would be of an appropriate design and scale that would satisfactorily integrate with the character and appearance of the site and wider streetscene context, while providing significant environmental benefits in the form of sustainably-generated electricity. The proposal is considered to accord with Local Plan policies PCS15 and PCS23 as well as the NPPF.

**RECOMMENDATION I** - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to grant Conditional Permission subject to no adverse material planning objections being received during the Press Notice period.

**RECOMMENDATION II** - Grant planning permission subject to the conditions set out below:

**RECOMMENDATION III** - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to add/amend conditions where necessary.

- 1) The development hereby permitted shall be began before the expiration of 3 years from the date of this planning permission.

Reason:

To comply with Section 91 of the Town and Country Planning Act 1990.

- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawing:

PCC 1000 LAKESIDE LAYOUT REV S OS LOCATION PLAN  
200 CARPORT TYPES

201 NORTH CAR PARK SITE SECTION  
202 SOUTH CAR PARK SITE SECTION  
PCC 1000 LAKESIDE LAYOUT REV Q MAIN CAR PARK LAYOUT  
PCC 1000 LAKESIDE LAYOUT REV Q NORTH CAR PARK LAYOUT  
PCC 1000 LAKESIDE LAYOUT REV Q SOUTH CAR PARK LAYOUT  
PCC 1000 LAKESIDE LAYOUT REV Q SOUTH CAR PARK PITCH  
PCC 1000 LAKESIDE LAYOUT REV R ROOF IMAGES  
PCC 1000 LAKESIDE ROOF MOUNTING REV A  
SIDE VIEW - VALKPRO+ L10 EAST-WEST 4300  
PCC 1000 LAKESIDE LAYOUT REV T SPACE  
204 TYPICAL ROOF PLANS

Reason:

To ensure the development is implemented in accordance with the permission granted.

- 3) No development shall take place on the site until there has been submitted to and approved in writing by the Local Planning Authority a Method Statement (for site contamination) documenting the previous and current land uses of the site and how the scheme shall be implemented without exposure to pollution being caused; all works at the site shall be carried out in accordance with the approved Method Statement, unless otherwise agreed in writing with the Local Planning Authority beforehand.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy DC21 of the Portsmouth City Local Plan (2006).

- 4) Development shall proceed in accordance with the ecological mitigation and enhancement measures detailed within Section 7 of the NVC Survey Report (Biora, August 2022) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect biodiversity in accordance with the Environment Act 2021, Wildlife & Countryside Act 1981 (as amended), the NERC Act 2006, NPPF and with Policy PCS13 of the Portsmouth Plan.

- 5) Prior to the commencement of development activities, a Construction Ecology and Environment Management Plan (CEMP) shall be submitted to and agreed in writing by the local planning authority. This CEMP shall include (but not be restricted to): specifications for construction timing and logistics; pollution prevention measures; measures to control surface water run-off and the emission of dust and noise; and specific measures to avoid or mitigate damage and disturbance to important species and habitats, including Round-headed Leek, calcareous grassland, nesting birds and hedgehogs.

Reason: To protect biodiversity in accordance with the Environment Act 2021, Wildlife & Countryside Act 1981 (as amended), the NERC Act 2006, NPPF and with Policy PCS13 of the Portsmouth Plan.

- 6) Prior to commencement of the development, a detailed Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This should include measures to protect and enhance the calcareous grassland, including areas of Round-headed Leek, and control non-native species and should tie in with the landscape proposals for the site. It should identify clear responsibilities for implementation of each stage of the Plan and be supported by detailed drawings/plans, management aims, objectives and prescriptions and a clear monitoring and review process. Development shall subsequently proceed in accordance with any such approved details.

Reason: to protect biodiversity in accordance with the Environment Act 2021, Wildlife & Countryside Act 1981 (as amended), the NERC Act 2006, NPPF and with Policy PCS13 of the Portsmouth Plan.

- 7) Prior to first use of the proposals hereby permitted, a detailed scheme of biodiversity enhancements to be incorporated into the development shall be submitted for written approval to the Local Planning Authority. Development shall subsequently proceed in accordance with any such approved details. This should include the provision of 10 swift boxes and 4 bat boxes at appropriate locations around the site.

Reason: to protect biodiversity in accordance with the Environment Act 2021, Wildlife & Countryside Act 1981 (as amended), the NERC Act 2006, NPPF and with Policy PCS13 of the Portsmouth Plan.

- 8) No development shall commence on site until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved Construction Traffic Management Plan and shall continue for as long as construction/demolition is taking place at the site.

Reason: To minimise disruption to the operation of the local highway network in the interest of highway safety, and to protect the amenities of neighbouring residents, in accordance with Policies PCS17 and PCS23 of the Portsmouth Plan.

## **INFORMATIVES**

1. The area around Lakeside Business Park has been reclaimed from tidal flats leading to potentially unknown ground conditions in the area. If signs of pollution are found in the soil at any time, the soil be quarantined and the location, type and quantity must be recorded and an Environmental Consultant notified for advice on how to proceed. It will be reported within 14 days to the Local Planning Authority (LPA). The LPA will then consider if the findings have any impact upon the development. An approval from the LPA must be sought prior to implementing any proposed mitigation action.

Signs of pollution include visual (e.g. staining, asbestos fragments, fibrous materials, ash, inclusions of putrescible materials, plastics, or actual remains from an industrial use), odour (e.g. fuel, oil and chemical, sweet or fishy odours), textural (oily), wellbeing (e.g. light headedness and/or nausea, burning of nasal passages and blistering or reddening of skin due to contact with soil) or the soils may be unusual (fume or smoking upon exposure to air) or simply different in character to expected soils.



# Agenda Item 9

22/01075/FUL

WARD: COPNOR

262 CHICHESTER ROAD PORTSMOUTH PO2 0AU

CHANGE OF USE FROM DWELLING HOUSE (CLASS C3) TO DWELLING HOUSE (CLASS C3) OR HOUSE IN MULTIPLE OCCUPATION (CLASS C4).

LINK TO DOCUMENTS:

<HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?ACTIVETAB=DOCUMENTS&KEYVAL=RFF60HMOL3U00>

**Application Submitted By:**

Mr Edward Kercher  
Incollective Limited

**On behalf of:**

Mrs Charitha Nanayakkara

**RDD:** 25th July 2022

**LDD:** 20th September 2022

## 1.0 SUMMARY OF MAIN ISSUES

1.1 This application is brought before Planning Committee due to the number of objections (six) as well as a call-in request from Councillor Cllr Swann.

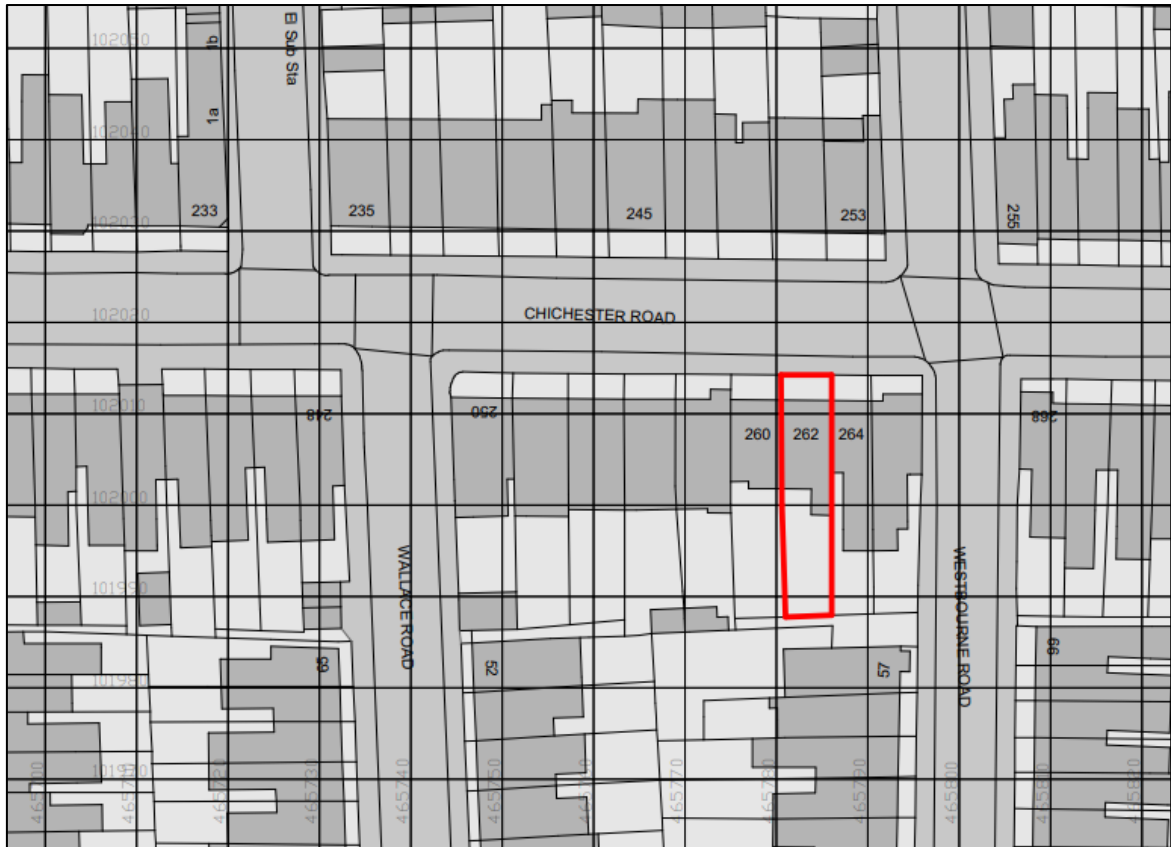
1.2 The main issues for consideration in the determination of the application/appeal are considered to be as follows:

- The principle of development;
- Standard of accommodation;
- Parking;
- Waste;
- Amenity impacts upon neighbouring residents;
- Impact upon the Solent Protection Areas; and
- Any other raised matters.

## 2.0 SITE AND SURROUNDINGS

2.1 The application relates to a two-storey, mid-terrace dwellinghouse (Class C3) located on the southern side of Chichester Road as shown in **Figure 1** below. The dwellinghouse is set back from the road by a small front forecourt and to the rear of the property is an enclosed garden with separate pedestrian alleyway access to the rear garden from Westbourne Road. The existing layout comprises of a living room, kitchen/ diner, and WC at ground floor level and three bedrooms and a bathroom at first floor level.

2.2 The application site is within a predominantly residential area characterised by rows of similar two-storey terraced properties with a similar visual style. Some of the properties on the road have been subdivided into flats, the nearest being at No. 266 Chichester Road.



**Figure 1 - Site Location Plan**

### **3.0 THE PROPOSAL**

3.1 Planning permission is sought for the change of use of the property from a dwellinghouse (Class C3) to a dwellinghouse (Class C3) or House of Multiple Occupation (HMO) (Class C4) use with up to six individuals living together.

3.2 The proposed internal accommodation, as shown in **Figure 2** below, comprises the following:

- Ground Floor - One bedroom (with a shower, toilet and handbasin ensuite), Kitchen/Dining Communal room, Living room, and a WC with handbasin;
- First Floor - Three bedrooms (each with a shower, toilet and handbasin ensuite); and
- Second Floor - Two bedrooms (each with a shower, toilet and handbasin ensuite).

3.3 The Applicant intends to erect a single storey rear extension, a rear dormer extension within the main roof and insert three rooflights within the front roofslope under permitted development, as shown below in the drawing below, to facilitate the enlargement of the property before undertaking the proposed development. The extensions, which do not currently exist, can be built under permitted development regardless of whether the property is in Class C3 or C4 use.

3.4 Given the external alterations and enlargements to the property are considered to be permitted development, it is not possible to consider the design or amenity impact of the rear dormer or rear ground floor extension as part of this application. There would be no external operational development forming part of this application with the exception of an indicative siting of a cycle store within the rear garden, details of which could be secured by planning condition.



Figures 2 and 3 - Proposed Elevations and Plans

#### 4.0 PLANNING HISTORY

4.1 There is no planning history for the property.

## 5.0 POLICY CONTEXT

### Portsmouth Plan (2012)

5.1 In addition to the aims and objectives of the National Planning Policy Framework (2021), due weight has been given to the relevant policies within the Portsmouth Plan (2012), which include:

- PCS17 (Transport)
- PCS20 (Houses in Multiple Occupation)
- PCS23 (Design and Conservation).

### Other Guidance

5.2 Guidance for the assessment of applications that is relevant to the application includes:

- National Planning Practice Guidance (revised 2021)
- The Parking Standards and Transport Assessments Supplementary Planning Document (2014)
- The Solent Recreation Mitigation Strategy (2017)
- The Interim Nutrient Neutral Mitigation Strategy (2022)
- The Houses in Multiple Occupation (HMOs) Supplementary Planning Document (2019) ('the HMO SPD').

## 6.0 CONSULTATIONS

6.1 Private Sector Housing - Based on the layout and sizes provided with this application this property would require to be licenced under Part 2, Housing Act 2004.

6.2 Highways Engineer - no objection.

Chichester Road is an unclassified residential street with the majority of terraced dwellings along its entirety. Few of the properties have off street parking facilities with the majority of parking accommodated through unrestricted on street parking. The demand for parking on street regularly exceeds the space available particularly in the evenings and weekends.

6.3 No traffic assessment has been provided however given the small scale of the development, I am satisfied that the proposal would not have a material impact on the local highway network.

6.4 The Parking SPD requirement for a 3 bedroom dwelling is 1.5 vehicle spaces and 2 cycle spaces, this compared with the requirement for a 6 bedroom HMO is 2 spaces and 4 cycle spaces. Consequently this proposal increases the parking demand by 0.5 spaces and secure cycle spaces by 2. The application details that 4 secure cycle spaces will be provided, however this is not provided within the proposed plan. Although I am satisfied that there is sufficient space to accommodate the 4 cycle spaces within the rear garden.

6.5 No parking survey information has been submitted to demonstrate on street capacity to accommodate this shortfall within a 200m walking distance of the application site.

6.6 Notwithstanding the policy conflict and absence of information regarding availability of on street parking, given the quantum of the additional shortfall being only half a parking space I do not believe refusal of this application on these grounds could be upheld in the event of an appeal and therefore I would not wish to raise a highway objection to this proposal.

## 7.0 REPRESENTATIONS

- 7.1 Six representations have been received objecting to the proposed development, including one from Councillor Swann.
- 7.2 Councillor Swann has also requested that the item be heard at Planning Committee.
- 7.3 The above representations of objection have raised the following concerns:
- a) Loss of family home from the existing housing stock;
  - b) Over concentration of HMOs on the road;
  - c) Increase in noise and disturbance;
  - d) The proposal will lead to an increase in crime and anti-social behaviour;
  - e) Lack of car parking provision leading to an increase in traffic and exacerbation of existing on-street parking problems;
  - f) Increase in pollution to the detriment of air quality;
  - g) Undue strain on local services and infrastructure;
  - h) Concerns over accuracy of HMO Database for area;
  - i) Concerns around maintenance and upkeep; and
  - j) Waste and litter concerns.
  - k) Loss of property value
  - l) Inaccuracies around highways information within Design and Access Statement.

## 8.0 COMMENT

8.1 The main determining issues for this application relate to the following:

- The principle of Development;
- The standard of accommodation;
- Impact upon amenity neighbouring residents;
- Parking;
- Waste;
- Impact upon the Solent Protection Areas; and
- Any other raised matters

### Principle of development

- 8.2 Permission is sought for the flexible use of the property for purposes falling within Class C4 (house in multiple occupation) (HMO) or Class C3 (dwellinghouse). The property currently has a lawful use as a self-contained dwelling (Class C3). For reference, a Class C4 HMO is defined as '*a property occupied by between three and six unrelated people who share basic amenities such as a kitchen or bathroom*'.
- 8.3 Policy PCS20 of the Portsmouth Plan states that applications for change of use to a HMO will only be permitted where the community is not already imbalanced by a concentration of such uses, or where the development would not create an imbalance. The adopted Houses in Multiple Occupation SPD (as amended October 2019), sets out how Policy PCS20 will be implemented and details how the City Council will apply this policy to all planning applications for HMO uses. The SPD states that a community will be considered to be imbalanced where more than 10% of residential properties within the area surrounding the application site (within a 50m radius) are already in HMO use.
- 8.4 Based on the information held by the City Council, of the 53 properties within a 50 metre radius of the application site, there is only 1 confirmed HMO (Class C4) at 276 Chichester

Road as shown in below. Whilst this is the best available data to the Local Planning Authority (LPA) and is updated on a regular basis, there are occasions where properties have been included or omitted from the database in error or have lawfully changed their use away from Class C4 HMOs without requiring the express permission of the LPA.

- 8.5 Following further Officer Investigation, one additional HMO (237 Chichester Road) has been uncovered by the Case Officer when reviewing the roads Planning History. Including the application property, the proposal would bring the percentage of HMOs within the area up to 3.77%. This would be lower than the 10% threshold above which an area is considered to be imbalanced and in conflict with Policy PCS20.



**Figure 3** - Existing HMOs within 50m of the application site

- 8.6 A further policy strand introduced in July 2018, amended in October 2019, seeks to ensure that the amenity and standard of living environment of neighbours and local occupiers is protected. This is explained within Appendix 6 of the HMO SPD, which references the specific proximity of HMOs to adjacent dwellings and how these circumstances may give rise to a particular risk of harm to amenity and disturbance. These are where: the granting of the application would result in three or more HMOs adjacent to each other, or where the granting of the application would result in any residential property being 'sandwiched' between two HMOs. There is no conflict caused by this proposal with this guidance.

- 8.7 Having regard to the above, the proposal would comply with the aims and objectives of Policies PCS19 and PCS20 of the Portsmouth Plan (2012).

### Standard of accommodation

- 8.8 The application seeks, in addition to a C3 use, the opportunity to use the property as a C4 HMO which would, in planning terms, technically allow occupation by up to six individuals. For the proposed C4 HMO use, the room sizes have been assessed against the space standards for an HMO as shown in **Table 1** below.

<b>Room</b>	<b>Area Provided</b>	<b>Required Standard</b>
Bedroom 1 (ground floor)	12.12m <sup>2</sup>	6.51m <sup>2</sup>
Bedroom 2 (first floor)	10m <sup>2</sup>	6.51m <sup>2</sup>
Bedroom 3 (first floor)	11m <sup>2</sup>	6.51m <sup>2</sup>
Bedroom 4 (first floor)	10m <sup>2</sup>	6.51m <sup>2</sup>
Bedroom 5 (second floor)	10.73m <sup>2</sup>	6.51m <sup>2</sup>
Bedroom 6 (second floor)	10.17m <sup>2</sup>	6.51m <sup>2</sup>
Living room (ground floor)	11.06m <sup>2</sup>	Undefined
Communal Kitchen/Dining area (ground floor)	29.60m <sup>2</sup>	22.5m <sup>2</sup> or 34m <sup>2</sup>
Ensuite bathroom 1 (ground floor)	2.74m <sup>2</sup>	2.74m <sup>2</sup>
Ensuite bathroom 2 (first floor)	2.74m <sup>2</sup>	2.74m <sup>2</sup>
Ensuite bathroom 3 (first floor)	2.74m <sup>2</sup>	2.74m <sup>2</sup>
Ensuite bathroom 4 (first floor)	2.74m <sup>2</sup>	2.74m <sup>2</sup>
Ensuite bathroom 5 (second floor)	3.13m <sup>2</sup>	2.74m <sup>2</sup>
Ensuite bathroom 6 (second floor)	3.94m <sup>2</sup>	2.74m <sup>2</sup>
WC (ground floor)	2.5m <sup>2</sup>	1.17m <sup>2</sup>

**Table 1** - HMO SPD (Oct 2019) compliance

- 8.9 The bedrooms and communal living area would exceed the minimum size requirements for six individuals, and the combination of ensuites and a shared WC would provide a suitable overall arrangement of sanitary facilities. Furthermore, all habitable rooms would have good access to natural light, and would have a suitable configuration/ layout, as well as size.
- 8.10 It is considered that all of the bedrooms and the communal living areas accord with the standards as set out within the HMO SPD (October 2019) and 'The Standards for Houses in Multiple Occupation' document dated September 2018. Furthermore, all habitable rooms would have good access to natural light.

### Impact on neighbouring living conditions

- 8.11 In terms of the impact on the living conditions of the adjoining occupiers, it is considered that the level of activity that could be associated with the use of any individual property either as a dwellinghouse (Class C3) which involves occupation by a single family, would be unlikely to be significantly different from the occupation of the property by between 3 and 6 unrelated persons as a house in multiple occupation.
- 8.12 The HMO SPD is supported by an assessment of the need for, and supply of, shared housing in Portsmouth and of the impacts of high concentrations of HMOs on local communities. Paragraphs 9.1-9.10 discuss the negative impacts of HMO concentrations on local communities and points to the cumulative environmental effects of HMO concentrations. However, given that there is not an over-concentration of HMOs within the surrounding area, it is considered that the impact of one further HMO would not be significantly harmful.

- 8.13 Concerns have been raised in the representations regarding a potential increase in crime and anti-social behaviour as a result of the proposed change of use. However, the Council does not have any evidence to suggest that HMOs result in higher levels of crime or anti-social behaviour than a Class C3 dwellinghouse.
- 8.14 In terms of the impact on the living conditions of the adjoining occupiers, it is considered that the level of activity that could be associated with the use of any individual property as a dwellinghouse (Class C3), would not be significantly different from the occupation of the property by between 3 and 6 unrelated persons as a house in multiple occupation.
- 8.15 Whilst activity in regards to coming and goings to the site as well as cooking and general household activities, through the occupants possibly not acting as a collective and therefore cooking meals on an individual basis, may be increased with the introduction of a HMO in this location, it would not result in an overconcentration of HMOs within the surrounding area, and therefore it is considered that the impact of one further HMO (bringing the total to two within a 50m radius) would not have any demonstrable adverse impact to wider amenity.
- 8.16 Having regard to this material consideration, it is considered there would not be a significant impact on residential amenity from the proposal.

#### Highways/Parking

- 8.17 The City Council's Parking Standards SPD sets the level of off-road parking facilities for new developments within the city and places a requirement of 2 off-road spaces for Class C4 HMOs with four or more bedrooms. However, it should be noted that the expected level of parking demand for a Class C3 dwellinghouse with four or more bedrooms would also be 2 off-road spaces, and these bedrooms could be achieved by permitted development without any planning control on parking. The expected level of parking demand for a Class C3 dwellinghouse with three bedrooms (as existing) is 1.5 off-road spaces. The property has no off-street parking.

The C4 element of the proposal compared to the existing property only experts an extra half a parking space, to which neither the Highways Officer nor Planning Officer raises an objection. As the level of occupation associated with a HMO is not considered to be significantly greater than the occupation of the property as a Class C3 dwellinghouse, it is considered that an objection on either highway safety grounds, or car parking standards, could not be sustained on appeal. It should be noted that the property could be occupied by a large family and/or with adult children, each potentially owning a separate vehicle.

- 8.18 The Council's Adopted Parking Standards set out a requirement for C4 HMOs to provide space for the storage of at least 4 bicycles. The property has a rear garden where secure cycle storage could be located. This property also features a separate rear access meaning bikes would not need to be taken through the property. The requirement for cycle storage is recommended to be secured by condition.

#### Waste

- 8.19 The storage of refuse and recyclable materials would remain unchanged, being located in the forecourt area, and an objection on waste grounds would not form a sustainable reason for refusal.



### Impact on Special Protection Areas

- 8.20 Whilst it is acknowledged that there are ongoing issues around the nitrification of the Solent due to increased levels of runoff from residential development, this application is for the change of use of the property from C3 (dwellinghouse) to a flexible C3/C4 use (both would allow up to 6 people), and as such it is not considered to represent an increase in overnight stays. The development would therefore not have a likely significant effect on the Solent Special Protection Areas or result in an increased level of nitrate discharge.

### Community Infrastructure Levy (CIL)

- 8.21 The development would not be CIL liable as there would be no increase in the Gross Internal Area of the application property.

### Human Rights and the Public Sector Equality Duty ("PSED")

- 8.22 The Council is required by the Human Rights Act 1998 to act in a way that is compatible with the European Convention on Human Rights. Virtually all planning applications engage the right to the enjoyment of property and the right to a fair hearing. Indeed, many applications engage the right to respect for private and family life where residential property is affected. Other convention rights may also be engaged. It is important to note that many convention rights are qualified rights, meaning that they are not absolute rights and must be balanced against competing interests as permitted by law. This report seeks such a balance.

- 8.23 Under section 149 of the Equality Act 2010, the Council must have due regard to the need to eliminate discrimination, harassment, or victimisation of persons by reason of their protected characteristics. Further the Council must advance equality of opportunity and foster good relation between those who share a relevant protected characteristic and those who do not. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Having had due regard to the public sector equality duty as it applies to those with protected characteristics in the context of this application, it is not considered that the officer's recommendation would breach the Council's obligations under the Equality Act 2010.

### Other Matters raised in the representations

- 8.24 Concerns have been raised by neighbouring residents regarding the pressure the additional occupants would put on local services. However, having regard again to the existing lawful use of the property as a self-contained dwellinghouse, it is considered the use of the property would not have a significantly greater impact on local services than the existing use which could be occupied by a similar number of occupants.
- 8.25 There was an objection about air quality. Given the scale of the site and proposed change of use it is not considered it would result in any significant increase in pollution or result in a detriment to the local air quality.

## 9.0 CONCLUSION

- 9.1 Having regard to all material planning considerations and representations it is concluded that the proposed change of use is acceptable and would be in accordance with the relevant policies of the Portsmouth Plan (2012) and the objectives of the National Planning Policy Framework (NPPF) (2021).

### **RECOMMENDATION                      Conditional Permission**

#### **Conditions**

#### **Time Limit:**

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission. Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990

#### **Approved Plans:**

- 2) Unless otherwise agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Proposed Floor Plans - 094 - PL 01; and Proposed Elevations - 094 - PL 02.

Reason: To ensure the development is implemented in accordance with the permission granted.

#### **Cycle Storage:**

- 3) Prior to first occupation of the property as a House in Multiple Occupation within Use Class C4, secure and weatherproof bicycle storage facilities for 4 bicycles shall be provided at the site and shall thereafter be retained for the parking of bicycles at all times.

Reason: To ensure that adequate provision is made for cyclists using the premises in accordance with policies PCS17 and PCS23 of the Portsmouth Plan.

#### **External works:**

- 4) Prior to first occupation of the property as a House in Multiple Occupation within Use Class C4, the single storey rear extension shall be completed in accordance with the details provided.

Reason: To ensure that an adequate standard of accommodation is provided in accordance with Policy PCS20.

# Agenda Item 10

22/01109/FUL

WARD: COPNOR

260 LABURNUM GROVE PORTSMOUTH PO2 0EX

CHANGE OF USE FROM DWELLING HOUSE (CLASS C3) TO HOUSE IN MULTIPLE OCCUPATION FOR SEVEN PERSONS (SUI GENERIS).

LINK TO DOCUMENTS:

[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?ACTIVETAB=DOCUMENTS&KEYVAL=RFS77HMOL8K00](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=rfs77hmol8k00)

**Application Submitted By:**

Applecore PDM Ltd  
FAO Mrs Carianne Wells

**On behalf of:**

Tara Powell

**RDD:** 1st August 2022

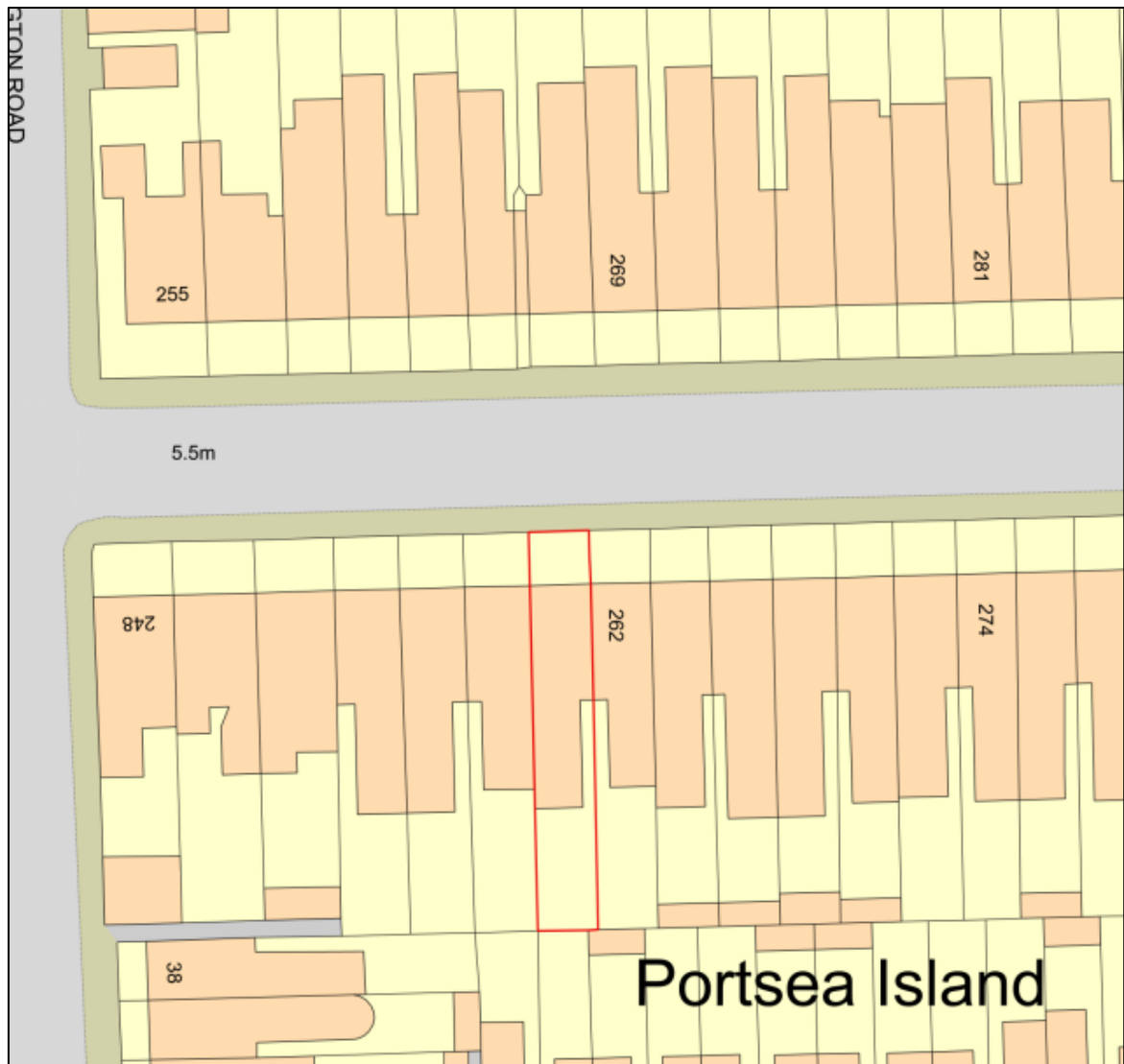
**LDD:** 27th September 2022

## 1.0 SUMMARY OF MAIN ISSUES

- 1.1 This application is brought before Planning Committee due to the number of objections (31), including from Councillor Swann. There is also a Petition of objection containing 211 signatures, and a call-in request from Councillor Cllr Swann.
- 1.2 The main issues for consideration in the determination of the application are considered to be as follows:
  - The principle of development;
  - Standard of accommodation;
  - Parking;
  - Waste;
  - Amenity impacts upon neighbouring residents;
  - Impact upon the Solent Protection Areas; and
  - Any other raised matters.

## 2.0 SITE AND SURROUNDINGS

- 2.1 The application relates to a two-storey, mid-terrace dwellinghouse (Class C3) located on the southern side of Laburnum Grove as shown in **Figure 1** below. The dwellinghouse is set back from the road by a front forecourt and at the rear is an enclosed garden. The existing layout comprises of a lounge, dining-kitchen, living room, conservatory and WC at ground floor level, and three bedrooms and a bathroom at first floor level.
- 2.2 The application site is within a predominantly residential area characterised by rows of similar two-storey terraced properties with a similar visual style. Some of the properties on the road have been subdivided into flats, the nearest being at the easterly neighbour (No. 262 Laburnum Grove).



**Figure 1 - Site Location Plan**

### 3.0 THE PROPOSAL

- 3.1 Planning permission is sought for the change of use of the property from a dwellinghouse (Class C3) to House in Multiple Occupation for seven persons (Sui generis).
- 3.2 The proposed internal accommodation, as shown in **Figure 2** below, comprises the following:
- Ground Floor - Two bedrooms (each with a shower, toilet and handbasin ensuite), Kitchen/Dining Communal room, and a WC with handbasin;
  - First Floor - Three bedrooms (each with a shower, toilet and handbasin ensuite); and
  - Second Floor - Two bedrooms (each with a shower, toilet and handbasin ensuite).
- 3.3 The Applicant intends to erect a single storey rear extension, a rear dormer extension within the main roof and over part of the back addition roof, and insert two rooflights within the front roofslope, all under permitted development, to facilitate the enlargement of the property before undertaking the proposed development (change of use). The extensions, which do not currently exist, can be built under permitted development while the property is in C3 use and would need to be constructed and occupied as Class C3 prior to the property then being occupied as a Sui generis HMO. This matter will be conditioned as part of any permission.

3.4 Given the external alterations and enlargements to the property are considered to be permitted development, it is not possible to consider the design or amenity impact of the rear dormer or rear ground floor extension as part of this application. There would be no external operational development forming part of this application with the exception of an indicative siting of a cycle store within the rear garden, details of which could be secured by planning condition.

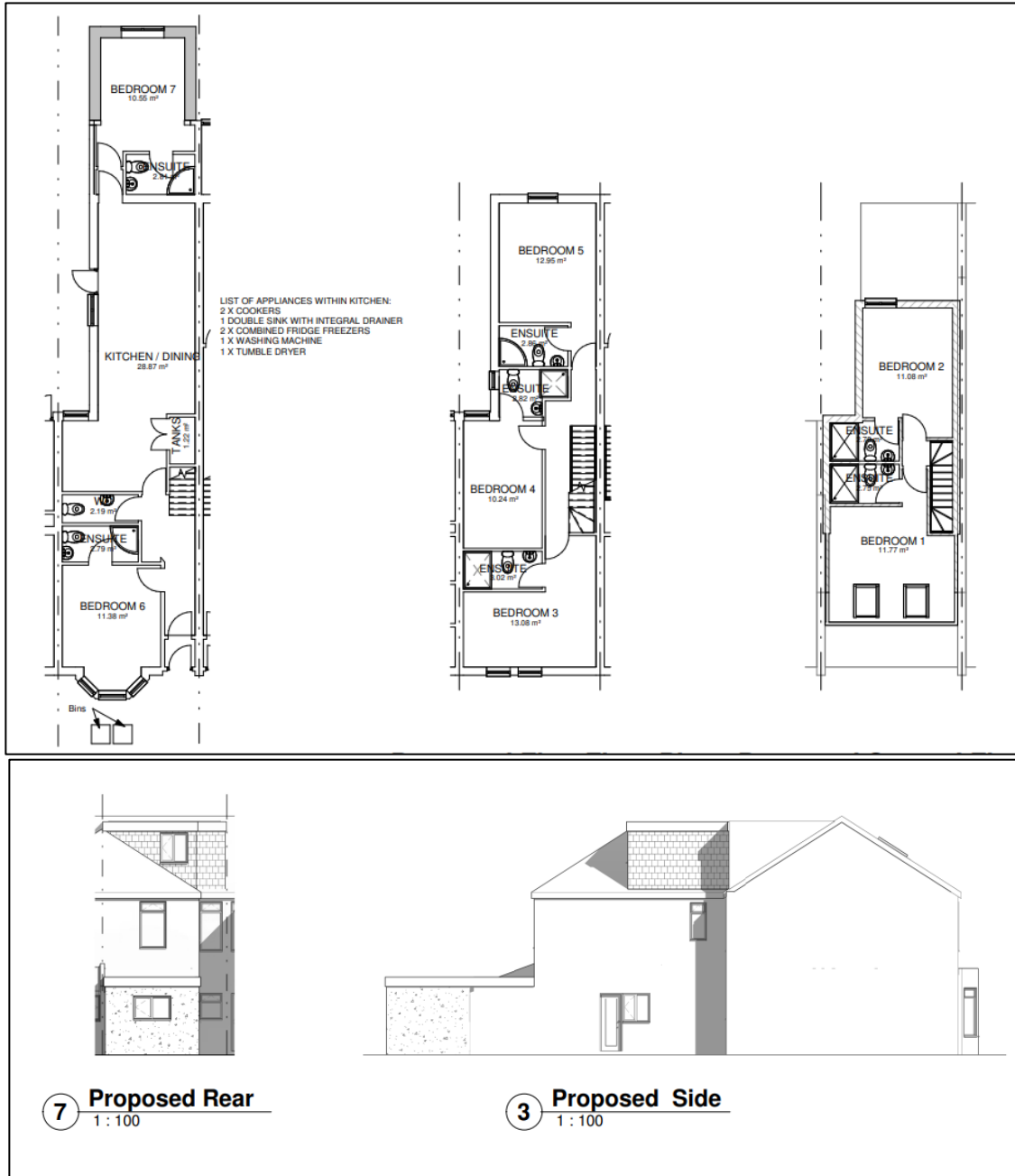


Figure 2 and 3 - Proposed Floor Plans and Proposed Elevations

#### 4.0 PLANNING HISTORY

4.1 There is no planning history for the property.

## 5.0 POLICY CONTEXT

### Portsmouth Plan (2012)

5.1 In addition to the aims and objectives of the National Planning Policy Framework (2021), due weight has been given to the relevant policies within the Portsmouth Plan (2012), which include:

- PCS17 (Transport)
- PCS20 (Houses in Multiple Occupation)
- PCS23 (Design and Conservation).

### Other Guidance

5.2 Guidance for the assessment of applications that is relevant to the application includes:

- National Planning Practice Guidance (revised 2021)
- The Parking Standards and Transport Assessments Supplementary Planning Document (2014)
- The Solent Recreation Mitigation Strategy (2017)
- The Interim Nutrient Neutral Mitigation Strategy (2022)
- The Houses in Multiple Occupation (HMOs) Supplementary Planning Document (2019) ('the HMO SPD').

## 6.0 CONSULTATIONS

6.1 Private Sector Housing - Based on the layout and sizes provided with this application this property would require to be licenced under Part 2, Housing Act 2004.

6.2 Highways Engineer - no objection.

6.3 Laburnum Grove is an unclassified residential street with the majority of terraced dwellings along its entirety. Few of the properties have off street parking facilities with the majority of parking accommodated through unrestricted on street parking. The demand for parking on street regularly exceeds the space available particularly in the evenings and weekends.

6.4 No traffic assessment has been provided however given the small scale of the development, I am satisfied that the proposal would not have a material impact on the local highway network.

6.5 Portsmouth City Councils Parking SPD gives the expected level of vehicle and cycle parking within new residential developments. The requirement for a 3 bedroom dwelling is 1.5 vehicle spaces and 2 cycle spaces, this compared with the requirement for a 7 bedroom HMO is 2 spaces and 4 cycle spaces. Consequently, this proposal increases the parking demand by 0.5 spaces and secure cycle spaces by 2. The application details that 4 secure cycle spaces will be provided within the rear garden.

6.6 No parking survey information has been submitted to demonstrate on street capacity to accommodate this shortfall within a 200m walking distance of the application site.

6.7 Notwithstanding the policy conflict and absence of information regarding availability of on street parking, given the quantum of the additional shortfall being only half a parking space I do not believe refusal of this application on these grounds could be upheld in the event of an appeal and therefore I would not wish to raise a highway objection to this proposal.

6.8 Natural England - no objection subject to the appropriate mitigation being secured

## 7.0 REPRESENTATIONS

7.1 31 representations have been received objecting to the proposed development, including from Councillor Swann, as well as a petition of objection with 211 signatures. Councillor Swann has requested that the item be heard at Planning Committee.

7.2 The above representations and petition of objection have raised the following concerns:

- a) Over concentration of HMOs on the road and immediate area;
- b) Undue strain on local services and infrastructure: Impact on water and sewage capacity, drain on electricity and internet supplies;
- c) Increase in noise and disturbance;
- d) Increase in crime and anti-social behaviour;
- e) Waste and litter concerns;
- f) Increase in pollution to the detriment of air quality;
- g) Loss of family home from the existing housing stock;
- h) Property is too small for seven residents;
- i) Lack of car parking provision leading to an increase in traffic and exacerbation of existing on-street parking problems;
- j) 4 cycles spaces not sufficient for the level of occupation;
- k) Concerns over accuracy of HMO Database for area;
- l) Concerns around maintenance and upkeep;
- m) Building works going ahead prior to decision being issued;

## 8.0 COMMENT

8.1 The main determining issues for this application relate to the following:

- The principle of Development;
- The standard of accommodation;
- Impact upon amenity neighbouring residents;
- Parking;
- Waste;
- Impact upon the Solent Protection Areas; and
- Any other raised matters

### Principle of development

8.2 Permission is sought for the use of the property as a House in Multiple Occupation for seven persons (Sui generis). The property currently has a lawful use as a self-contained dwelling (Class C3). For reference, a Sui Generis HMO is defined as a property occupied by more than six unrelated people who share basic amenities such as a kitchen or bathroom.

8.3 Policy PCS20 of the Portsmouth Plan states that applications for change of use to a HMO will only be permitted where the community is not already imbalanced by a concentration of such uses, or where the development would not create an imbalance. The adopted Houses in Multiple Occupation SPD (as amended October 2019), sets out how Policy PCS20 will be implemented and details how the City Council will apply this policy to all planning applications for HMO uses. The SPD states that a community will be considered to be imbalanced where more than 10% of residential properties within the area surrounding the application site (within a 50m radius) are already in HMO use.

- 8.4 Based on the information held by the City Council, of the 65 properties within a 50 metre radius of the application site, there is only 1 confirmed HMO (Class C4) at 285 Laburnum Grove as shown in the plan below. Whilst this is the best available data to the Local Planning Authority (LPA) and is updated on a regular basis, there are occasions where properties have been included or omitted from the database in error or have lawfully changed their use away from Class C4 HMOs without requiring the express permission of the LPA.
- 8.5 Following further Officer Investigation, no other HMOs have been uncovered or removed from the list of HMOs in the area. Including the application property, the proposal would bring the percentage of HMOs within the area up to 3.07%. This would be lower than the 10% threshold above which an area is considered to be imbalanced and in conflict with Policy PCS20.



**Figure 4** - Existing HMOs within 50m of the application site

- 8.6 A further policy strand introduced in July 2018, amended in October 2019, seeks to ensure that the amenity and standard of living environment of neighbours and local occupiers is protected. This is explained within Appendix 6 of the HMO SPD, which references the specific proximity of HMOs to adjacent dwellings and how these circumstances may give rise to a particular risk of harm to amenity and disturbance. These are where: the granting of the application would result in three or more HMOs adjacent to each other, or where the



granting of the application would result in any residential property being 'sandwiched' between two HMOs. There is no conflict caused by this proposal with this guidance.

- 8.7 Having regard to the above, the proposal would comply with the aims and objectives of Policies PCS19 and PCS20 of the Portsmouth Plan (2012).

Standard of accommodation

- 8.8 The application seeks, to use the property as a Sui Generis (larger HMO) which would, allow occupation by up to seven individuals. On the basis of the property being used as a seven person HMO, the room sizes have been assessed against the space standards within the HMO SPD as shown in **Table 1** below.

Room	Area Provided	Required Standard
Bedroom 1 (second floor)	11.77m <sup>2</sup>	6.51m <sup>2</sup>
Bedroom 2 (second floor)	11.08m <sup>2</sup>	6.51m <sup>2</sup>
Bedroom 3 (first floor)	13.08m <sup>2</sup>	6.51m <sup>2</sup>
Bedroom 4 (first floor)	10.24m <sup>2</sup>	6.51m <sup>2</sup>
Bedroom 5 (first floor)	12.95m <sup>2</sup>	6.51m <sup>2</sup>
Bedroom 6 (ground floor)	11.38m <sup>2</sup>	6.51m <sup>2</sup>
Bedroom 7 (ground floor)	10.55m <sup>2</sup>	6.51m <sup>2</sup>
Communal Kitchen/Dining area (ground floor)	28.87m <sup>2</sup>	22.5m <sup>2</sup> or 34m <sup>2</sup>
Ensuite bathroom 1 (second floor)	2.75m <sup>2</sup>	2.74m <sup>2</sup>
Ensuite bathroom 2 (second floor)	2.78m <sup>2</sup>	2.74m <sup>2</sup>
Ensuite bathroom 3 (first floor)	3.02m <sup>2</sup>	2.74m <sup>2</sup>
Ensuite bathroom 4 (first floor)	2.82m <sup>2</sup>	2.74m <sup>2</sup>
Ensuite bathroom 5 (first floor)	2.86m <sup>2</sup>	2.74m <sup>2</sup>
Ensuite bathroom 6 (ground floor)	2.79m <sup>2</sup>	2.74m <sup>2</sup>
Ensuite bathroom 7 (ground floor)	2.81m <sup>2</sup>	2.74m <sup>2</sup>
WC (ground floor)	2.19m <sup>2</sup>	1.17m <sup>2</sup>

**Table 1** - HMO SPD (Oct 2019) compliance

- 8.9 The bedrooms and communal living area would exceed the minimum size requirements for seven individuals, and the combination of ensuites and a shared WC would provide a suitable overall arrangement of sanitary facilities. Furthermore, all habitable rooms would have good access to natural light, and would have a suitable configuration/ layout, as well as size.
- 8.10 It is considered that all of the bedrooms and the communal living areas accord with the standards as set out within the HMO SPD (October 2019) and 'The Standards for Houses in Multiple Occupation' document dated September 2018. Furthermore, all habitable rooms would have good access to natural light.

Impact on neighbouring living conditions

- 8.11 In terms of the impact on the living conditions of the adjoining occupiers, it is considered that the level of activity that could be associated with the use of any individual property either as a dwellinghouse (Class C3) which involves occupation by a single family, would be unlikely to be significantly different from the occupation of the property by 7 unrelated persons as a house in multiple occupation.

- 8.12 The HMO SPD is supported by an assessment of the need for, and supply of, shared housing in Portsmouth and of the impacts of high concentrations of HMOs on local communities. Paragraphs 9.1-9.10 discuss the negative impacts of HMO concentrations on local communities and points to the cumulative environmental effects of HMO concentrations. However, given that there is not an over-concentration of HMOs within the surrounding area, it is considered that the impact of one further HMO would not be significantly harmful.
- 8.13 Concerns have been raised in the representations regarding a potential increase in crime and anti-social behaviour as a result of the proposed change of use. However, the Council does not have any evidence to suggest that HMOs result in higher levels of crime or anti-social behaviour than a Class C3 dwellinghouse.
- 8.14 In terms of the impact on the living conditions of the adjoining occupiers, it is considered that the level of activity that could be associated with the use of any individual property as a dwellinghouse (Class C3), would not be significantly different from the occupation of the property by between 7 unrelated persons as a house in multiple occupation.
- 8.15 Whilst activity may be increased with the introduction of a HMO in this location, it would not result in an overconcentration of HMOs within the surrounding area, and therefore it is considered that the impact of one further HMO (bringing the total to two within a 50m radius) would not have any demonstrable adverse impact to wider amenity.
- 8.16 Having regard to this material consideration, it is considered there would not be a significant impact on residential amenity from the proposal.

#### Highways/Parking

- 8.17 The City Council's Parking Standards SPD sets the level of off-road parking facilities for new developments within the city and places a requirement of 2 off-road spaces for HMOs with four or more bedrooms. However, it should be noted that the expected level of parking demand for a Class C3 dwellinghouse with four or more bedrooms would also be 2 off-road spaces. In light of the same requirements set out within the Parking Standards SPD and the view that the level of occupation associated with a HMO is not considered to be significantly greater than the occupation of the property as a Class C3 dwellinghouse, it is considered that an objection on either highway safety grounds, or car parking standards could not be sustained on appeal. It should be noted that the property could be occupied by a large family and/or with adult children, each owning a separate vehicle.
- 8.18 The Council's Adopted Parking Standards set out a requirement for 7 bedroom HMOs to provide space for the storage of at least 4 bicycles. The property has a rear garden where secure cycle storage could be located. The requirement for cycle storage is recommended to be secured by condition.

#### Waste

- 8.19 The storage of refuse and recyclable materials would remain unchanged, being located in the forecourt area, and an objection on waste grounds would not form a sustainable reason for refusal.

#### Appropriate Assessment in respect of Special Protection Area and Ramsar designated sites.

- 8.20 The application site is within 5.6 m of Portsmouth Harbour Special Protection Area (SPA) and will lead to a net increase in residential accommodation
- 8.21 The Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended) place duties on the Council to ensure that the proposed development would not have a likely significant effect on the interest features of the national and international site network of designated habitat sites (Portsmouth Harbour SPA, Ramsar and SAC sites), or otherwise affect protected habitats or species. The Portsmouth Plan's Greener Portsmouth policy (PCS13) sets out how the Council will ensure that the designated nature conservation sites along the Solent coast will continue to be protected.
- 8.22 There are two potential impacts resulting from this development: the first being potential recreational disturbance around the shorelines of the harbours, and the second from increased levels of nitrogen and phosphorus entering the Solent water environment.
- 8.23 Wading birds:
- 8.24 The Solent Recreation Mitigation Strategy (December 2017) was adopted by Portsmouth City Council on 1st April 2018 and replaces the Interim Solent Recreation Mitigation Strategy (December 2014) and the associated Solent Special Protection Areas Supplementary Planning Document (SPD) which was revoked by the City Council from 1st April 2018. The Strategy identifies that any development in the city which is residential in nature will result in a significant effect on the Special Protection Areas (SPAs) along the Solent coast. It sets out how development schemes can provide a mitigation package to remove this effect and enable the development to go forward in compliance with the Habitats Regulations. This development is likely to have an impact on the management of the SPA which would require mitigation.
- 8.25 Based on the methodology set out within the Strategy and taking into consideration the existing maisonette on the site an appropriate scale of mitigation for this development is £864, which will be secured through a legal agreement. With this mitigation, the LPA has concluded that the adverse effects arising from the proposal are wholly consistent with and inclusive of the effects detailed in the Solent Recreation Mitigation Strategy.
- 8.26 The LPA's assessment is that the application complies with this strategy and that it can therefore be concluded that there will be no adverse effects on the integrity of the designated sites identified above. The requirement for a payment to secure mitigation is both directly related to the development and is fairly and reasonably related in scale.
- 8.27 Nutrient Neutrality:
- 8.28 The Council's Updated Interim Nutrient-Neutral Mitigation Strategy expects applicants to explore their own mitigation solutions first. These solutions could be Option 1: 'off-setting' against the existing land use, or extant permission, or other land controlled by the applicant. Or it could be Option 2: mitigation measures such as Sustainable Urban Drainage Systems (SUDS), interception, or wetland creation. If, however, the applicant sets out to the Council that they have explored these options but are unable to provide mitigation by way of these, they may then request the purchase of 'credits' from the Council's Mitigation Credit Bank. These credits were first accrued by the Council's continuous programme of installation of water efficiencies into its own housing stock, and more recently by the purchase of credits on the open market in conjunction with the

Hampshire and Isle of Wight Wildlife Trust. These credits are available to new development.

- 8.29 The Council's current Mitigation Strategy sets out that the credit per new unit for non-major schemes will be charged in the order of £2,175 subject to calculator outputs. The credit costs required to mitigate against this scheme in its entirety are calculated to amount to £3,650. The applicant has provided a statement which confirms they are unable to provide nitrate mitigation via Option 1 or 2, and so would like to provide mitigation by using the Council's Mitigation Credit Bank. This is accepted and in line with the updated Strategy, the applicant has been asked to complete a s111 Agreement to confirm payment of the required mitigation. The recommendation below allows for circumstances whereby this Agreement is not complete at the time of the Committee resolution. It is also considered necessary to restrict the time implementation (condition) limit to one year, given the limited availability of Council mitigation 'credits'.
- 8.30 Natural England have been consulted on the application and have raised no objection subject to the above mitigation being secured. On this basis, the LPA as competent authority is satisfied that the development would not give rise to likely significant effects detrimental to the integrity of these designated habitat sites.

#### Community Infrastructure Levy (CIL)

- 8.31 The development would not be CIL liable as there would be no increase in the Gross Internal Area of the application property.

#### Human Rights and the Public Sector Equality Duty ("PSED")

- 8.32 The Council is required by the Human Rights Act 1998 to act in a way that is compatible with the European Convention on Human Rights. Virtually all planning applications engage the right to the enjoyment of property and the right to a fair hearing. Indeed, many applications engage the right to respect for private and family life where residential property is affected. Other convention rights may also be engaged. It is important to note that many convention rights are qualified rights, meaning that they are not absolute rights and must be balanced against competing interests as permitted by law. This report seeks such a balance.
- 8.33 Under section 149 of the Equality Act 2010, the Council must have due regard to the need to eliminate discrimination, harassment, or victimisation of persons by reason of their protected characteristics. Further the Council must advance equality of opportunity and foster good relation between those who share a relevant protected characteristic and those who do not. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Having had due regard to the public sector equality duty as it applies to those with protected characteristics in the context of this application, it is not considered that the officer's recommendation would breach the Council's obligations under the Equality Act 2010.

#### Other Matters raised in the representations

- 8.34 Concerns have been raised by neighbouring residents regarding the pressure the additional occupants would put on local services. However, having regard again to the existing lawful use of the property as a self-contained dwellinghouse, it is considered the proposed use of the property would not have a significantly greater impact on local services than the existing use which could be occupied by a similar number of occupants.

- 8.35 Given the scale of the site and proposed change of use it is not considered that, the proposal would result in any significant impact upon water and sewage capacity; electricity and internet supplies or result in any significant increase in pollution or result in a detriment to the local air quality.
- 8.36 As demonstrated above the proposed change of use is acceptable in policy terms and there is no specific policy restricting a loss of family housing stock.
- 8.37 Building works have begun at the site in the form of stripping out the internal fixtures, it is considered that this work would not require Planning permission, any work undertaken in advance of a permission is done at the applicant's own risk.
- 8.38 Concerns have been raised over the accuracy of the Council's HMO Database; this data set has been reviewed by the Case Officer. No additional HMOs have been raised to the Case Officer to investigate by any of the submitted objections. It is therefore considered that the HMO dataset published above is considered to be accurate and correct.
- 8.39 Upkeep of the property is a private matter and not considered to be a relevant planning consideration.

## **9.0 CONCLUSION**

- 9.1 Having regard to all material planning considerations and representations it is concluded that the proposed change of use is acceptable and would be in accordance with the relevant policies of the Portsmouth Plan (2012) and the objectives of the National Planning Policy Framework (NPPF) (2021).

**RECOMMENDATION I** - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to Grant Conditional Permission subject to satisfactory completion of a s.111 Legal Agreement to secure the following:

- Mitigating the impact of the proposed development on the Solent Special Protection Areas, Special Areas of Conservation and Ramsar designated habitat sites (recreational disturbance and nutrient neutrality) by securing the payment of a financial contribution

**RECOMMENDATION II** - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to add/amend conditions where necessary.

**RECOMMENDATION III** - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to refuse planning permission if a Legal Agreement has not been satisfactorily completed within three months of the date of this resolution.

## **Conditions**

### **Time Limit:**

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990

### **Approved Plans:**

- 2) Unless otherwise agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Plans and Elevations - PG.7093.22.4 Rev A and Location Plan - TQRQM22210115625725.

Reason: To ensure the development is implemented in accordance with the permission granted.

### **Cycle Storage:**

- 3) Prior to first occupation of the property as a House in Multiple Occupation for 7 occupants, secure and weatherproof bicycle storage facilities for 4 bicycles shall be provided at the site and shall thereafter be retained for the parking of bicycles at all times.

Reason: To ensure that adequate provision is made for cyclists using the premises in accordance with policies PCS17 and PCS23 of the Portsmouth Plan.

### **External works:**

- 4) Prior to first occupation of the property as a House in Multiple Occupation for 7 occupants, the single storey rear extension and rear dormer shall be completed in accordance with the submitted plans (Ref: Plans and Elevations - PG.7093.22.4 Rev A).

Reason: To ensure that an adequate standard of accommodation is provided in accordance with Policy PCS20.